D. D. N. J., F. D. C. 1–75

Issued May 1940

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1–75

DRUGS AND DEVICES[1]

The cases reported herewith were instituted in the United States District courts by the United States attorneys, acting upon reports submitted by direction of the Secretary of Agriculture.

GROVER B. HILL, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *March 16, 1940.*

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MISBRANDED DRUGS AND DEVICES

HEADACHE REMEDIES, PAIN RELIEVERS, AND SEDATIVES

1. Misbranding of B. C. Headache Powders. U. S. v. 46 Dozen Packages of B. C. Default decree of condemnation and destruction. (F. D. C. No. 111. Sample No. 25097–D.)

These powders consisted essentially of acetanilid, aspirin, caffeine, and potassium bromide. They would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, which directed a dosage of one powder which might be repeated once or twice at intervals of 3 or 4 hours if indicated. Its labeling failed to reveal facts material with respect to the consequences which might result from the use of the article under the conditions of use prescribed in the labeling and failed to bear warnings against use in pathological conditions where its use might be dangerous to health or against unsafe dosage or duration of administration.

On or about January 4, 1939, the United States attorney for the Northern District of Georgia filed a libel against 46 dozen packages of B. C. Headache Powders at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about November 30, 1938, by B. C. Remedy Co. from Durham, N. C.; and charging that it was misbranded for the reasons appearing above.

[1] Notices of Judgment under the Federal Food, Drug, and Cosmetic Act are published in three series: Foods (F. N. J.); Drugs and Devices (D. D. N. J.); and Cosmetics (C. N. J.).

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On March 16, 1939, the B. C. Remedy Co., claimant, having petitioned that it be permitted to withdraw its claim and answer, such petition having been granted, and no answer or defense being before the court at that time, judgment of condemnation was entered and the product was ordered destroyed.

2. Misbranding of Stanback Headache Powders. U. S. v. 309 Dozen Packages of Stanback Headache Powders. Default decree of condemnation and destruction. (F. D. C. No. 207. Sample Nos. 44801–D, 44863–D.)

These powders contained acetanilid, potassium bromide, aspirin, caffeine, and a trace of sodium bicarbonate. They would be dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, which bore directions that one powder be taken for relief of the discomfort of simple headache and neuralgia, and muscular aches and pains, and that another powder might be taken in 30 minutes if necessary; that one powder be taken as a sedative, to be repeated in 2 or 3 hours if necessary; and that one powder be taken at the first sign of a cold and one 2 hours later for relief of the discomfort of simple head colds; and stated that one powder at night just before retiring was especially recommended for such head colds. Its labeling failed to reveal facts material with respect to the consequences which might result from its use under the conditions of use prescribed in the labeling and failed to bear warnings against use in those pathological conditions in which its use might be dangerous to health, or against unsafe dosage or duration of administration.

On March 23, 1939, the United States attorney for the Northern District of Georgia filed a libel against 309 dozen packages of Stanback Headache Powders at Atlanta, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about January 12 to on or about March 8, 1939, by the Stanback Co. from Salisbury, N. C.; and charging that it was misbranded for the reasons appearing hereinbefore.

On April 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3. Misbranding of Goody's Headache Powder. U. S. v. 1,524 Envelopes of Goody's Headache Powder. Default decree of condemnation and destruction. (F. D. C. No. 211. Sample No. 45525–D.)

These powders contained potassium bromide, acetanilid, aspirin, and caffeine. They would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, which directed that for headaches and neuralgia one powder be taken, and repeated in 2 hours if necessary, with succeeding doses in 3 or 4 hours if necessary; that for muscular aches and pains one powder be taken and repeated in 3 or 4 hours as required; that as a sedative for discomfort of headaches due to automobile and train travel, one powder be taken and repeated in 2 hours if necessary; that for simple head colds and for reducing simple fever one powder be taken as soon as symptoms appear, to be repeated in 3 or 4 hours if required. Its labeling also failed to reveal facts material in the light of the said directions and similar representations on the envelope, and failed to reveal facts material with respect to consequences which might result from use of the article under the conditions of use prescribed in the labeling, and failed to bear adequate warnings against use of the article in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration, in such manner and form as are necessary for the protection of users.

On April 4, 1939, the United States attorney for the Eastern District of South Carolina filed a libel against 1,524 envelopes of Goody's Headache Powder at Columbia, S. C.; alleging that the article had been shipped in interstate commerce on or about March 1, 1939, by Goody's, Inc., from Winston-Salem, N. C.; and charging that it was misbranded for the reasons appearing above.

On May 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4. Misbranding of B-B Headache Powders. U. S. v. 596 Envelopes of B-B. Default decree of condemnation and destruction. (F. D. C. No. 215. Sample No. 45524–D.)

These powders contained potassium bromide, acetanilid, aspirin, and caffeine. They were recommended in the labeling as a quick relief of pain and discomfort due to muscular aches, head colds, simple headaches, simple neuralgias, periodic

pains, and as a sedative in simple nervousness. They would be dangerous to health when used in the dosage or with the frequency or duration so prescribed, recommended, or suggested. The labeling failed to reveal facts material in the light of the representations set forth in the said labeling or material with respect to consequences which might result from the use of the article under the conditions of use prescribed therein, and failed to bear adequate warnings against its use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form as are necessary for the protection of users.

On April 4, 1939, the United States attorney for the Eastern District of South Carolina filed a libel against 596 envelopes of B-B Headache Powders at Columbia, S. C.; alleging that the article had been shipped in interstate commerce on or about March 7, 1939, by Specialty Sales Co. from Atlanta Ga.; and charging that it was misbranded for the reasons appearing hereinbefore.

On June 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5. Misbranding of Hed-Lyte. U. S. v. 93 Bottles of Hed-Lyte. Default decree of condemnation and destruction. (F. D. C. No. 225. Sample No. 38055-D.)

This drug contained acetanilid, sodium bromide, and caffeine. Its labeling contained representations that it would relieve pain in simple headaches, simple neuralgia, and muscular aches and pains; that it was indicated in feverish conditions due to colds and for nervousness due to excesses; that it would lessen the perception of pain and distress during menstruation and generally result in increased comfort, and was of value in relieving nervousness and simple headache which might be attributed to or might follow alcoholic or tobacco excess. The labeling contained directions that 2 teaspoonfuls be taken in water, to be repeated in 30 or 40 minutes if not relieved, and that the third dose should not be taken until 2 hours after the second, with dosage for children in proportion.

It would be dangerous to health when used in the dosage or with the frequency or duration so prescribed, recommended, or suggested and its label failed to reveal facts material with respect to consequences which might result under the conditions of use prescribed in its labeling or under such conditions of use as are customary or usual and failed to bear adequate warnings against its use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration in such manner and form as are necessary for the protection of users.

On May 1, 1939, the United States attorney for the Western District of Louisiana filed a libel against 93 bottles of Hed-Lyte at Shreveport, La.; alleging that the article had been shipped in interstate commerce on or about March 6, 1939, by the Hed-Lyte Co. from Dallas, Tex.; and charging that it was misbranded for the reasons stated above.

On June 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6. Misbranding of Dixie Fever and Pain Powder. U. S. v. 243 Packages and 193 Packages of Dixie Fever and Pain Powder. Default decrees of condemnation and destruction. (F. D. C. Nos. 217, 218. Sample Nos. 36991-D, 36992-D.)

These powders contained acetanilid, sodium bicarbonate, caffeine, and charcoal. They would be dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling which contained directions that for simple headache, neuralgia, head colds, and general relief of inorganic pains, one powder be taken, to be repeated in 2 hours if necessary, that in case of fever, one powder be taken every 2 hours until fever is reduced, that if the fever is very high ½ powder be taken every hour, that for children 3 to 12 years of age, ¼ to ½ a powder be given according to age every 2 hours.

On April 12, 1939, the United States attorney for the Western District of Oklahoma filed a libel against 436 packages of Dixie Fever and Pain Powder at Oklahoma City, Okla.; alleging that the article had been shipped in interstate commerce on or about December 12, 1938, and January 12, 1939, by the Swamp & Dixie Laboratories, Inc., from Fort Smith, Ark.; and charging that it was misbranded for the reasons appearing hereinbefore.

On May 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7. Misbranding of E E Powders. U. S. v. 936 Cartons of E. E. Powders. Default decree of condemnation and destruction. (F. D. C. No. 197. Sample No. 44932–D.)

These powders contained acetanilid, acetylsalicylic acid, and potassium bromide, and would have been dangerous to health when used as prescribed, recommended, or suggested in the labeling. They were recommended in the labeling for the relief of simple headache, neuralgia, muscular aches and pains, head colds, and as an aid in reducing fever, with directions that 1 powder be taken and repeated in 1 hour, if needed, for simple headache; that 1 powder be taken every 3 hours for head colds and for reducing fever, and that ½ powder be given to children under 10 years of age every 3 hours. Its labeling also failed to reveal facts material with respect to the consequences which might result from its use under conditions of use prescribed therein and failed to bear warnings against use in those pathological conditions or by children where its use might be dangerous to health or against unsafe dosage or methods or duration of administration in such manner and form as are necessary for the protection of users. The labeling was further objectionable because of the misleading statement on the envelope and shipping cartons that each powder contained 4 grains of acetanilid, since each powder contained approximately 4.99 grains of acetanilid.

On March 10, 1939, the United States attorney for the Western District of North Carolina filed a libel against 936 cartons of E E Powders at Lincolnton, N. C.; alleging that the article had been shipped in interstate commerce on or about October 7, 1938, by the E E Medicine Co. from Greenville, S. C.; and charging that it was misbranded.

The libel alleged that the article was also misbranded in violation of the Food and Drugs Act of June 30, 1906, reported in notice of judgment No. 30881 published under that act.

On April 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8. Misbranding of Causalin. U. S. v. 44 Packages of Causalin (and 4 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 14, 69, 70, 71, 72. Sample Nos. 25962–D, 25963–D, 25964–D, 30071–D, 30074–D, 30092–D, 30097–D, 35567–D, 35569–D, 35570–D.)

This product consisted of capsules and tablets containing aminopyrine (aminodimethylpyrazolon), salicylic ethyl ester carbonate, and a sulfonate such as quinolinesulfonate. It would be dangerous to health when used in the dosage, or with the frequency prescribed, recommended, and suggested in the labeling in which it was recommended that it be taken in the dosage as directed by the physician, that is, 1 to 2 tablets or capsules 3 times a day ½ hour before meals.

On July 27, September 1, and September 8, 1938, the United States attorneys for the District of New Jersey, District of Rhode Island, and the Eastern District of Pennsylvania filed libels against 44 packages of Causalin at Newark, N. J.; 46 packages at Providence, R. I.; and 121 packages of the product at Philadelphia, Pa.; alleging that it had been shipped in interstate commerce by the Amfre Drug Co. from New York, N. Y., within the period from on or about July 1 to on or about August 22, 1938; and charging that it was misbranded for the reasons appearing above.

The libels also charged that the article was adulterated and misbranded in violation of the Food and Drugs Act, as reported in notice of judgment No. 29757 published under that act.

On September 7, September 20, and October 5, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

9. Misbranding of Causalin. U. S. v. 89 Packages, et al., of Causalin. Default decrees of condemnation and destruction. (F. D. C. Nos. 226, 227. Sample Nos. 35890–D, 35895–D, 59756–D to 59759–D, incl.)

This product consisted of tablets and capsules containing aminopyrine, salicylic ethyl ester carbonate, and quinolinesulfonate. It would be dangerous to health when used in the dosage suggested in the labeling, in which it was recommended that it be taken in the dosage directed by the physician. Its labeling failed to reveal facts material with respect to the consequences which might result from its use under the conditions of use prescribed in its labeling or under such conditions of use as are customary or usual, and it failed to bear adequate warnings against unsafe dosage or methods or duration of administration in such manner and form as are necessary for the protection of users.

On May 6, 1939, the United States attorney for the District of Massachusetts filed libels against 336 packages of Causalin at Boston, Mass.; alleging that the article had been shipped in interstate commerce by the Amfre Drug Co. from New York, N. Y., within the period from on or about October 26, 1938, to on or about April 5, 1939; and charging that it was misbranded for the reasons stated above.

On August 8, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10. Misbranding of Cal–co–cin. U. S. v. 1 Package and 2 Bottles of Cal–co–cin. Default decrees of condemnation and destruction. (F. D. C. Nos. 90–A, 101. Sample Nos. 34424–D, 34644–D.)

This drug consisted of the calcium salts of benzoic acid and cinchophen. It would be dangerous to health when used in the dosage or with the frequency prescribed, recommended, and suggested in the labeling, which directed the dosage of one capsule four times a day, that is, after meals and on retiring.

On November 10 and 23, 1938, the United States attorney for the District of Maryland filed libels against one package, containing 400 capsules of Cal-co-cin, at Frederick, Md., and 2 bottles, containing 900 capsules of Cal-co-cin, at Taneytown, Md.; alleging that the article had been shipped in interstate commerce from Philadelphia, Pa., on or about August 17 and October 20, 1938, by the Crescent-Kelvan Co.; and charging that it was misbranded for the reasons stated above.

The libels alleged that the article was also misbranded in violation of the Food and Drugs Act of 1906, as reported in notice of judgment No. 30202 published under that act.

On December 5 and December 15, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

11. Misbranding of Volz Anti-Rheumin. U. S. v. 754 Cartons of Volz Anti-Rheumin. Default decree of condemnation and destruction. (F. D. C. No. 103. Sample No. 42878–D.)

This product consisted of capsules containing cinchophen, acetophenetidin, aspirin, lithium salicylate, and cinchona bark. It would be dangerous to health when used in the dosage and with the frequency or duration prescribed, recommended, and suggested in the labeling, which bore directions that it be taken: 8 capsules a day, 2 after breakfast, 2 after noonday meal, 2 after evening meal, and 2 immediately before retiring, as indicated for acute rheumatic fever, to be continued until after pain and fever subside then 4 to 6 capsules a day, children 3 capsules a day, the dosage also indicated for muscular aches and pains, muscular lumbago, simple headaches, simple neuralgia, and gout.

On December 8, 1938, the United States attorney for the Western District of Pennsylvania filed a libel against 754 cartons of Volz Anti-Rheumin at Erie, Pa.; alleging that the article had been shipped in interstate commerce on or about October 13, 1938, by Strong, Cobb & Co., Inc., from Cleveland, Ohio; and charging that it was misbranded for the reasons stated above. The product was shipped in bulk and was packaged and labeled at Erie, Pa., while in interstate commerce, by Robert W. Brooks, trading as the Volz Co., the promoter of the product, which firm ordered the goods from the shipper.

On January 17, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12. Misbranding of Cachets Algocratine. U. S. v. 224 Boxes of Cachets Algocratine. Default decree of condemnation and destruction. (F. D. C. No. 193. Sample No. 59701–D.)

This product contained phenacetin (acetophenetidin), aminopyrine, and a small proportion of caffeine. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, in which it was represented that each cachet contained 4½ grains of phenacetin, a derivative of acetanilid, and that it be taken in the dosage of one cachet, to be repeated in an hour if required, and that it was rarely necessary to exceed a daily dose of three or four.

On March 7, 1939, the United States attorney for the Southern District of New York filed a libel against 224 boxes of Cachets Algocratine at New York, N. Y.; alleging that the article had been shipped from Paris, France, by E. Lancosme, arriving at the Port of New York on or about August 18, 1938; and charging that it was misbranded for the reasons appearing above.

On March 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

13. Misbranding of Cidic Comfort Compound. U. S. v. 8 Boxes of Cidic Comfort Compound. Default decree of condemnation and destruction. (F. D. C. No. 116. Sample No. 32661–D.)

This drug consisted of capsules containing aminopyrine. It would be dangerous to health when used in the dosage and with the frequency or duration prescribed, recommended, and suggested in the labeling, which directed that one capsule be taken at the first sign of period and that if muscular pain persisted a second capsule should be taken. Its label also failed to reveal facts material with respect to consequences which might result from the use of the article under the conditions of use prescribed therein.

On January 17, 1939, the United States attorney for the Northern District of Indiana filed a libel against 8 boxes of Cidic Comfort Compound at Gary, Ind.; alleging that the article had been shipped in interstate commerce on about November 4, 1938, by the Hy'ne Co., from Chicago, Ill.; and charging that it was misbranded for the reasons stated above.

On March 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

14. Misbranding of Barmidon Tablets. U. S. v. 7 Bottles of Barmidon Tablets. Default decree of condemnation and destruction. (F. D. C. Nos. 104, 105. Sample Nos. 58666–D, 58667–D.)

This product contained barbital and aminopyrine (dimethyl-amino-antipyrine). Its labeling recommended that it be taken in the dosage of 1 to 2 tablets, to be repeated as required and that it be administered cautiously under a physician's supervision. It would be dangerous to health when used in the dosage or with the frequency so prescribed, recommended, or suggested. Its labeling also failed to reveal facts material with respect to consequences which might result from its use under the conditions of use prescribed therein.

On December 22, 1938, the United States attorney for the Southern District of Ohio filed a libel against 7 bottles, containing 2,600 Barmidon Tablets, at Dayton, Ohio; alleging that the article had been shipped in interstate commerce by Endo Products, Inc., from New York, N. Y., on or about October 26 and November 25, 1938; and charging that it was misbranded for the reasons stated above.

The libel alleged that the article was also misbranded in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30882 published under that act.

On February 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

15. Misbranding of Anthel Tablets. U. S. v. 68 Packages and 40 Packages of Anthel Tablets. Default decree of condemnation and destruction. (F. D. C. No. 223. Sample No. 51246–D.)

This drug consisted of tablets containing aminopyrine and sal ethyl carbonate. It was recommended in the labeling for the prevention of periodic pain, and for the relief of pain due to arthritis, neuritis, and rheumatism, tooth extraction, dry socket or common toothache, and as a general pain-relieving agent. Its labeling contained directions that for adults one or two tablets be taken three times a day, according to severity of condition; that children be given one tablet twice a day; and that a full glass of water be given after each dose, which should be followed by a short period of rest when possible. It would be dangerous to health when used in the dosage or with the frequency so prescribed, recommended, or suggested. Its labeling failed to reveal facts material with respect to consequences which might result from its use under the conditions of use prescribed in the labeling and failed to bear warnings against use in those pathological conditions, or by children where its use might be dangerous to health, or against unsafe dosage, or methods or duration of administration in such manner as are necessary for the protection of users.

On April 27, 1939, the United States attorney for the District of New Jersey filed a libel against 108 packages of Anthel Tablets at Camden, N. J.; alleging that the article had been shipped in interstate commerce on or about August 22, 1938, by the Anthel Co. from Philadelphia, Pa.; and charging that it was misbranded for the reasons appearing hereinbefore.

On May 22, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

16. Misbranding of Elixir Pheno Barbidon. U. S. v. 23 Bottles and 3 Bottles of Elixir Pheno Barbidon. Default decrees of condemnation and destruction. (F. D. C. Nos. 123, 124. Sample Nos. 36763–D, 36764–D.)

This drug consisted essentially of aminopyrine and phenobarbital. It was recommended in the labeling that it be administered in the dosage as directed by the physician. Its labeling, however, created the impression that its physiological effects were those of barbituric acid derivatives and failed to inform the physician that it contained aminopyrine. It would be dangerous to health when used as suggested in the labeling, particularly in view of the failure of the labeling to reveal the fact that it contained aminopyrine, which fact is material in the light of the representation in the labeling that it contained dimethylamino-antipyrine and phenylethylmalonylurea (barbituric acid derivative), and since it was capable of producing agranulocytosis; and because of the failure of the labeling to bear such adequate warnings against use in that pathological condition or where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration as are necessary for the protection of users.

On January 19, 1939, the United States attorney for the Northern District of California filed a libel against 26 bottles of Elixir Pheno Barbidon at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about October 19, 1938, by Premo Pharmaceutical Laboratories from New York, N. Y.; and charging that it was misbranded for the reasons appearing hereinbefore.

On May 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

17. Misbranding of Tablets Sedormid "Roche." U. S. v. 138 Packages and 154 Packages of Tablets Sedormid "Roche." Default decrees of condemnation and destruction. (F. D. C. Nos. 220, 224. Sample Nos. 47321–D, 47430–D.)

This drug consisted of tablets containing allyl-isopropylacetyl-carbamide. It would be dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling, which contained directions that in the daytime one-half tablet be taken two or three times daily and that at night one or two tablets be taken shortly before bedtime. Its labeling failed to reveal facts material in the light of the recommended dosage or material with respect to consequences which might result from its use under the conditions of use prescribed therein, and failed to bear such adequate warnings against unsafe dosage or methods or duration of administration or application in such manner and form as are necessary for the protection of users.

On April 10 and 26, 1939, the United States attorney for the District of Maryland filed libels against 292 packages of Tablets Sedormid "Roche" at Baltimore, Md.; alleging that the article had been shipped in interstate commerce within the period from on or about January 20 to on or about March 17, 1939, by Hoffmann-La Roche, Inc., Nutley, N. J.; and charging that it was misbranded for the reasons appearing hereinbefore.

On May 3 and 17, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

18. Misbranding of Sodasal. U. S. v. 15 Bottles and 21 Bottles of Sodasal. Default decree of condemnation and destruction. (F. D. C. Nos. 194, 210. Sample Nos. 42971–D, 52224–D.)

This product contained aminopyrine, sodium salicylate, compounds of magnesium and calcium, citrates and carbonates, sugar, and water. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, which directed that 1 tablespoonful or 4 teaspoonfuls be taken in water, milk, or orange juice, followed by a full glass of water or milk, 3 times a day before or after meals or on retiring, and that the dose be cut down "if the ears ring or if allergic."

On March 9 and March 25, 1939, the United States attorney for the Western District of Pennsylvania filed libels against 36 bottles of Sodasal at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about February 18 and 21, 1939, by the Sodasal Laboratories from Detroit, Mich.; and charging that it was misbranded for the reasons stated above.

The libels charged that the article was also misbranded in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30895 published under that act.

On April 17, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

19. Misbranding of Sodasal. U. S. v. 18 Bottles and 5 Bottles of Sodasal. Default decree of condemnation and destruction. (F. D. C. No. 294. Sample No. 52441–D.)

The labeling of this product bore false and misleading representations regarding its composition and its medicinal properties as shown below.

On July 17, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against 23 bottles of Sodasal at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about June 20, 1939, by Harry Enkel from Detroit, Mich.; and charging that it was misbranded.

Analysis showed that it consisted essentially of acetophenetidin (approximately 8 grains per fluid ounce), sodium salicylate, a bicarbonate, and small proportions of citrates, sugar, and water.

The article was alleged to be misbranded in that the representation on the bottle label that it was an antiacid treatment was false and misleading since it contained, in addition to alkali and sodium salicylate, a material proportion of acetophenetidin; (2) in that the statement in the labeling that the dose should be cut down if the ears ring was false and misleading since it created the impression that the article might be safely consumed unless it caused ringing of the ears, whereas its consumption might be dangerous even though it did not cause ringing of the ears; (3) in that the representations in the circular that it contained no aspirin, no acetanilid, or other blood thinners were false and misleading since it contained acetophenetidin, the consumption of which might result in serious depletion of the white blood cells; (4) in that the representation in the circular that the article contained a U. S. P. dose of salicylates of proven value in rheumatoid suffering was false and misleading since it created the impression that the active ingredients of the article were salicylates, whereas it also contained acetophenetidin; (5) and in that the reference in the circular to "United States Government warnings against these Undertaker Friends—acetanilid, antipyrine, and chloral"; the admonition that labels should be read carefully to ascertain whether news ads claims compare with label statements; and the representations also in the circular that Sodasal Laboratory medicinals were scientifically compounded right in every respect and contained only tested ingredients of unquestionable merit were false and misleading since they created the impression that the article did not contain dangerous drugs, whereas it contained acetophenetidin, a dangerous drug.

Misbranding was alleged further in that the labeling contained representations that it was an antiacid treatment; that users claimed that nothing else helped them like Sodasal; that it would bring real comfort from suffering due to rheumatic pains, aching muscles, lumbago, neuritis, simple nonfever, grippy discomfort; that it was of value as an anti-rheumatic anodyne or pain control and soothing diuretic; that it would assure prompt escape from even knife-like pain; that its anti-acid (alkaline) medicinals would flush the kidneys, often doubling the kidney flow, thus expelling much uric acid and other impurities; that its super-pure alkalizers would fight blood acidity; that it contained salicylates of proven value in rheumatoid suffering; that it was an internal treatment for rheumatic, neuritic, and backache pains or lumbago, which representations were false and misleading since the article would not fulfill the promises of benefit thus held out.

On August 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NIPPLE SHIELDS

Nos. 20 to 34, inclusive, of this publication report the seizure and disposition of nipple shields which were made essentially of lead. They were potentially dangerous because lead poisoning might result in infants fed from the breasts of mothers using the device.

20. Misbranding of Dr. Wansbrough's Metallic Nipple Shields. U. S. v. 18 Packages of Dr. Wansbrough's Metallic Nipple Shields. Consent decree of condemnation and destruction. (F. D. C. No. 160. Sample No. 83–D.)

On February 7, 1939, the United States attorney for the District of Colorado filed a libel against 18 packages of the above-named product at Denver, Colo., consigned by Fred Haslam & Co., Inc.; alleging that the article had been shipped in interstate commerce on or about September 13, 1938, from Brooklyn, N. Y.; and charging that it was misbranded.

It was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, and suggested

in the labeling, which bore representations that the article was to be used for the prevention and cure of sore nipples and contained directions that the shield should be applied as soon after delivery as possible; that the only attention required was that the nipple be wiped previously to nursing and that the shield be applied again immediately, and that the article was in no way likely to be injurious to the infant; particularly in view of the failure of the labeling to reveal facts material in the light of such representations, or material with respect to consequences which might result from the use of the device under the conditions of use so prescribed, or under such conditions of use as are customary or usual.

On February 16, 1939, the shipper having signed an authorization for taking of final decree, judgment of condemnation was entered and the product was ordered destroyed.

21. Misbranding of Dr. Wansbrough's Metallic Nipple Shields. U. S. v. 9 Boxes of Dr. Wansbrough's Metallic Shields. Default decree of condemnation and destruction. (F. D. C. No. 150. Sample No. 44802–D.)

On February 25, 1939, the United States attorney for the Northern District of Georgia filed a libel against 9 boxes of the above-named product at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about October 5, 1938, by Fred Haslam & Co., from Brooklyn, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, in which the product was recommended for the prevention and cure of sore nipples and which contained directions that the shields should be applied as soon after delivery as possible, that in using them the only attention required was to wipe the nipple previously to nursing and apply the shield again immediately afterwards, and that they were in no way likely to be injurious to the infant.

On March 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

22. Misbranding of Dr. Wansbrough's Metallic Nipple Shields. U. S. v. 22 Packages of Dr. Wansbrough's Metallic Nipple Shields. Default decree of condemnation and destruction. (F. D. C. No. 162. Sample No. 36348–D.)

On February 7, 1939, the United States attorney for the Northern District of California filed a libel against 22 packages of the above-named product at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about November 19, 1938, by the National New York Packing & Shipping Co. from New York, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, in which it was recommended for the prevention and cure of sore nipples, and which contained directions that the shields should be applied as soon after delivery as possible, that in using them the only attention required was to wipe the nipple previously to nursing and to apply the shield again immediately afterwards, and that they were in no way likely to be injurious to the infant.

On March 31, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

23. Misbranding of Metallic Nipple Shields. U. S. v. 74¾ Dozen Boxes of Dr. Wansbrough's Metallic Nipple Shields. Default decree of condemnation and destruction. (F. D. C. No. 148. Sample No. 45752–D.)

On February 6, 1939, the United States attorney for the Northern District of Illinois filed a libel against 74¾ dozen boxes of the above-named product at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about December 21, 1938, by the Penn Surgical Manufacturing Co. from Philadelphia, Pa.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, in which it was recommended for the prevention and relief of sore nipples.

On March 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

24. Misbranding of Dr. Wansbrough's Metallic Nipple Shields. U. S. v. 26 Boxes and 10 Packages of Dr. Wansbrough's Metallic Nipple Shields. Default decrees of condemnation and destruction. (F. D. C. Nos. 127, 208. Sample Nos. 53546–D, 59381–D.)

On January 20 and March 22, 1939, the United States attorneys for the Southern District of New York and the Southern District of Iowa filed libels against 26 boxes of Dr. Wansbrough's Metallic Nipple Shields at New York, N. Y., and 10 packages of the same product at Des Moines, Iowa; alleging that the article had been shipped in interstate commerce by the Glasco Products Co. from Chicago, Ill., on or about July 27 and December 30, 1938; and charging that it was misbranded.

It was alleged in the libel filed in the Southern District of New York that the article was misbranded in that it was dangerous to health when used in the dosage, or with the frequency prescribed, recommended, or suggested in the labeling, in which it was recommended for the prevention and cure of sore nipples and which contained directions that the shield be applied as soon after delivery as possible, that in using them the only attention required was to wipe the nipple previously to nursing, and that the shield be applied again immediately afterwards.

It was alleged in the libel filed in the Southern District of Iowa that the article was misbranded in that it was dangerous to health when used in the dosage, or with the frequency prescribed, recommended, or suggested in the labeling in which it was recommended for the prevention and relief of sore nipples, particularly in view of the failure of the labeling to reveal facts material in the light of such representations or material with respect to consequences which might result from the use of the article to which the labeling related under the conditions of use prescribed in the labeling or under such conditions of use as are customary and usual; and in that the labeling failed to reveal the material fact that fatal lead poisoning might result in infants fed from breasts of mothers using this appliance.

On February 7 and April 21, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

25. Misbranding of Dr. Wansbrough's Metallic Nipple Shields. U. S. v. 122 Boxes and 20 Boxes of Metallic Nipple Shields. Default decrees of condemnation and destruction. (F. D. C. Nos. 128, 156. Sample Nos. 48838–D, 50579–D.)

On January 23 and February 6, 1939, the United States attorneys for the District of Massachusetts and the Eastern District of Washington filed libels against 122 boxes of the above-named product at Boston, Mass., and 20 boxes at Spokane, Wash.; alleging that the article had been shipped in interstate commerce by J. Sklar Manufacturing Co. from Brooklyn, N. Y., within the period from on or about October 1 to on or about October 12, 1938; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage, or with the frequency prescribed, recommended, or suggested in the labeling in which it was recommended for the prevention and cure of sore nipples and which contained directions that the shields should be applied as soon after delivery as possible, that in using them the only attention required was to wipe the nipple previously to nursing, that they be applied again immediately afterwards, and that they were in no way likely to be injurious to the infant.

On February 13 and March 24, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

26. Misbranding of Dr. Wansbrough's Metallic Nipple Shields. U. S. v. 20 Packages of Metallic Nipple Shields (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 157, 158, 163, 166, 167, 171. Sample Nos. 18971–D, 18972–D, 18973–D, 26999–D, 27000–D, 44825–D.)

Between February 8 and 16, 1939, the United States attorneys for the Southern District of California, the Eastern District of New York, and the Western District of North Carolina filed libels against 52 packages of Dr. Wansbrough's Metallic Nipple Shields at Los Angeles, Calif.; 13 packages at Brooklyn, N. Y.; and 10 packages of the same product at Charlotte, N. C. The libels alleged that the article had been shipped in interstate commerce within the period from on or about September 20, 1938, to on or about January 20, 1939; that all shipments, with one exception, were made by the Glasco Products Co. from Chicago, Ill.; that one shipment had been made by the H. H. Rosenthal Co. from New York, N. Y.; and charged that the article was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage, or with the frequency prescribed, recommended, or suggested in the labeling, in which it was recommended for the prevention and relief of sore nipples and which contained directions that the shield be applied as soon after delivery as possible; that in using them the only attention required was to wipe the nipple previously to nursing and to apply the shield again immediately afterwards, and that they were in no way likely to be injurious to the infant, particularly in view of the failure of the labeling to reveal facts material in the light of such representations, or material with respect to the consequences which might result from the use of the article to which the labeling related under conditions of use so prescribed or under such conditions of use as are customary or usual, and because of failure of the labeling to reveal the material fact that fatal lead poisoning may result in infants fed from breasts of mothers using this appliance.

On March 7, March 8, April 10, and May 4, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

27. Misbranding of Dr. Wansbrough's Metallic Nipple Shields. U. S. v. 24 Cartons of Dr. Wansbrough's Metallic Nipple Shields (and 7 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 126, 137, 153, 165, 173, 174, 209, 230. Sample Nos. 17576-D, 34375-D, 35879-D, 43626-D, 44826-D, 45756-D, 48340-D, 59382-D.)

Between the dates of January 20 and May 25, 1939, the United States attorneys for the Southern District of New York, the District of Columbia, Northern District of Illinois, Northern District of California, District of Massachusetts, Western District of North Carolina, District of Maryland, and District of Minnesota filed libels against the following lots of Wansbrough's Metallic Nipple Shields: 24 cartons at New York, N. Y.; 69 cartons at Washington, D. C.; 16 packages at Chicago, Ill.; 27 packages at Oakland, Calif.; 49 packages at Boston, Mass.; 17 packages at Charlotte, N. C.; 5 packages at Baltimore, Md.; and 9 packages at Minneapolis, Minn. The libels alleged that the article had been shipped in interstate commerce within the period from on or about September 8, 1938, to on or about January 19, 1939, by the John M. Maris Co. (one shipment made in the name of John M. Maris Corporation) in part from Philadelphia, Pa., and in part from New York, N. Y.; and charged that it was misbranded.

Misbranding was alleged in that the article was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, in which it was recommended for the prevention and cure of sore nipples and which contained directions that the shields should be applied as soon after delivery as possible, that in using them the only attention required was to wipe the nipple previously to nursing, and to apply the shields again immediately afterwards, and that they were in no way likely to be injurious to the infant, particularly in view of the failure of the labeling to reveal facts material in the light of such representations or material with respect to the consequences which might result from the use of the article to which the labeling related under the conditions of use prescribed therein or under such conditions of use as are customary or usual.

Between the dates of February 7 and July 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

28. Misbranding of Dr. Wansbrough's Metallic Nipple Shields. U. S. v. 26 Packages and 22 Packages of Metallic Nipple Shields. Default decrees of condemnation and destruction. (F. D. C. Nos. 172, 222. Sample Nos. 43632-D, 64059-D.)

On February 16 and April 20, 1939, the United States attorneys for the Northern District of California and the Eastern District of Washington filed libels against 26 packages of Dr. Wansbrough's Metallic Nipple Shields at San Francisco, Calif., and 22 packages of the same product at Spokane, Wash.; alleging that the article had been shipped in interstate commerce, the former on or about August 16, 1939, by McKesson & Robbins, Inc., from New York, N. Y. (this lot was invoiced by John M. Maris, the manufacturer) and the latter on or about December 13, 1938, and January 24, 1939, by W. J. Wardall, trustee for McKesson & Robbins, Inc., from Bridgeport, Conn.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling in which it was recommended for the prevention and relief of sore nipples, and which contained directions that the shields be applied

as soon after delivery as possible, that in using them the only attention required was to wipe the nipple previously to nursing, and apply the shield again immediately afterwards, and that they were in no way likely to be injurious to the infant, particularly in view of the failure of the labeling to reveal facts material in the light of such representations or material with respect to consequences which might result from the use of the article to which the labeling related under conditions of use prescribed in the labeling or under such conditions of use as are customary and usual.

On March 30 and June 7, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

29. Misbranding of Dr. Wansbrough's Metallic Nipple Shields. U. S. v. 10 Packages of Dr. Wansbrough's Metallic Nipple Shields. Default decrees of condemnation and destruction. (F. D. C. No. 205. Sample No. 40911–D.)

On March 13, 1939, the United States attorney for the District of Utah filed a libel against 10 packages of Dr. Wansbrough's Metallic Nipple Shields at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about January 24, 1939, by the Armstrong Cork Co. from Philadelphia, Pa.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling in which it was recommended for the prevention and cure of sore nipples, particularly in view of the failure of the labeling to reveal facts material in the light of such representations or material with respect to consequences which might result from the use of the article to which the labeling related under conditions of use prescribed in the labeling, or under such conditions of use as are customary or usual.

On April 29, 1939, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

30. Misbranding of Lead Nipple Shields. U. S. v. 10 Boxes of Wansbrough's Pure Lead Nipple Shields (and 6 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 133, 145, 152, 154, 155, 161, 181. Sample Nos. 18968–D, 31141–D, 42159–D, 45754–D, 48236–D, 53034–D, 58935–D.)

Between January 25 and February 25, 1939, the United States attorneys for the Eastern District of Pennsylvania, Southern District of California, Northern District of Illinois, District of Minnesota, Southern District of Ohio, Eastern District of Missouri, and District of Colorado filed libels against a total of 128 boxes of Wansbrough's Pure Lead Nipple Shields in various lots at Philadelphia, Pa., Los Angeles, Calif., Chicago, Ill., Minneapolis, Minn., Springfield, Ohio, St. Louis, Mo., and Denver, Colo.; alleging that the article had been shipped in interstate commerce within the period from on or about November 19, 1938, to on or about January 24, 1939, by American Medical Specialties Co., Inc., from New York, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling in which it was recommended for the prevention and cure of sore nipples, particularly in view of the failure of the labeling to reveal facts material in the light of such representations, or material with respect to consequences which might result from the use of the article to which the labeling relates under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual, and because of failure of the labeling to reveal the material fact that fatal lead poisoning might result in infants fed from breasts of mothers using the appliance.

Between February 15 and April 27, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

31. Misbranding of Dr. Wansbrough's Nipple Shields. U. S. v. 7 Packages of Dr. Wansbrough's Pure Lead Nipple Shields. Default decree of condemnation and destruction. (F. D. C. No. 206. Sample No. 45144–D.)

On March 18, 1939, the United States attorney for the Southern District of Florida filed a libel against 7 packages of the above-named product at Miami, Fla.; alleging that the article had been shipped in interstate commerce on or about September 22 and November 24, 1936, by Penn Surgical Manufacturing Co., Inc., from Philadelphia, Pa.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, in which it was recommended for the prevention and

cure of sore and bleeding nipples, and which contained directions that the shields be applied as soon after delivery as possible, that in using them the only attention required was to wipe the nipple previously to nursing and to apply the shield again immediately afterwards, and that they were in no way likely to be injurious to the infant, in view of the failure of the labeling to reveal facts material in the light of such representations or material with respect to consequences which might result from the use prescribed in the labeling thereof, or under such conditions of use as are customary or usual, and because of failure of the labeling to reveal the material fact that fatal lead poisoning might result in infants fed from breasts of mothers using the appliance.

On October 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

82. Misbranding of Dr. Wansbrough's Metal Nipple Shields. U. S. v. 21 Boxes of Dr. Wansbrough's Metal Nipple Shields. Default decree of condemnation and destruction. (F. D. C. No. 132. Sample No. 42160–D.)

On January 25, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 21 boxes of the above-named product at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about December 21, 1938, by Meinecke & Co. from New York, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, which contained directions that in using the device the only attention required was to wipe the nipple previous to sucking, and to apply the shield again immediately afterwards, and which contained representations that the device was in no way likely to be injurious to the infant.

On February 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

83. Misbranding of metallic nipple shields. U. S. v. 10 Boxes and 22 Packages of Asepticon Metallic Nipple Shields. Default decrees of condemnation and destruction. (F. D. C. Nos. 164, 169. Sample Nos. 9829–D, 59366–D.)

February 10 and 14, 1939, the United States attorneys for the District of New Jersey and the Eastern District of Pennsylvania filed libels against 10 boxes of nipple shields at Passaic, N. J., and 22 packages of nipple shields at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about January 16 and February 7, 1939, by Max Weiss & Sons, Inc., from New York, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage, or with the frequency prescribed, recommended, or suggested in the labeling, in which it was recommended for the prevention and relief of sore nipples, particularly in view of the failure of the labeling to reveal facts material in the light of such representations or material with respect to consequences which might result from the use of the article to which the labeling related under the conditions prescribed in the labeling, or under such conditions of use as are customary or usual, and because of failure of the labeling to reveal the material fact that fatal lead poisoning might result in infants fed from breasts of mothers using the appliance.

On March 9 and 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

84. Misbranding of lead nipple shields. U. S. v. 1,027 Pairs of Lead Nipple Shields (and one other seizure action against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 141, 146, 147. Sample Nos. 45750–D, 45751–D, 53391–D.)

On January 27 and February 6, 1939, the United States attorneys for the Eastern District of Missouri and the Northern District of Illinois filed libels against 1,027 pairs of lead nipple shields at St. Louis, Mo., and 281 pairs of the same product at Chicago, Ill.; alleging that the article had been shipped in interstate commerce by the Gem Surgical Products Co., Inc., from New York, N. Y., within the period from on or about September 29 to on or about December 20, 1938; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used as suggested in the labeling, in which the device was designated as a nipple shield.

On March 16 and 17, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

VAPORIZING DEVICES

Nos. 35 to 40, inclusive, of this publication report the seizure and disposition of vaporizing devices which were similar in general structure and identical in purpose. The device consisted of a small chamber (containing a wick or absorbent pad) of such size and shape as to permit its fitting into the nostril to which was attached a rubber tube fitted with a mouthpiece. An accessory medicament was supplied or could be obtained separately. The wick or pad was saturated with the medicament, which was vaporized by the user's blowing into the mouthpiece and forcing the vapor into the nasal passages.

35. Misbranding of Syn-O-Scope. U. S. v. 183 Packages of Syn-O-Scope (and 5 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 106, 115, 118, 121, 125, 182. Sample Nos. 29421–D, 29424–D, 31877–D, 31878–D, 32674–D, 34980–D, 58803–D, 58804–D.)

Between January 4 and March 11, 1939, the United States attorneys for the Western District of Michigan, Northern District of Ohio, Southern District of Indiana, Western District of Pennsylvania, and Western District of Virginia, filed libels against the following lots of Syn-O-Scope: 183 packages at Grand Rapids, Mich.; 54 packages at Cleveland, Ohio, 118 packages at Evansville, Ind.; 39 packages at Pittsburgh, Pa.; and 26 packages at Danville, Va. It was alleged in the libels that the article had been shipped in interstate commerce within the period from on or about August 12 to on or about November 9, 1938, by Syn-O-Scope Co., Inc., from Chicago, Ill.; and charging that it was misbranded.

The accessory medicament with this device, labeled "Synex Syn-O-Scope Refill," consisted of a mixture of volatile oils including eucalyptus oil, camphor, and alcohol.

The said device was alleged to be misbranded in that it was dangerous to health when used with the frequency and duration prescribed, recommended, and suggested in the labeling, in which the user was directed to place the metal tip in the nostril and hold in position; to take the mouthpiece of rubber hose between the lips and blow, gently at first, gradually increasing to suit; and which contained a diagrammatic sketch of the apparatus in use, accompanied by the explanation that the lung pressure closed the palate and forced the medication into the infected parts.

On February 27, March 7, April 1, April 6, and September 6, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

36. Misbranding of Pate-O-Graph. U. S. v. 80 Packages and 6½ Gross Packages of Pate-O-Graph. Default decrees of condemnation and destruction. (F. D. C. Nos. 100, 102. Sample Nos. 44585–D, 52006–D.)

On November 17 and 29, 1938, the United States attorneys for the District of Columbia and the District of New Jersey filed libels against 80 packages of Pate-O-Graph at Washington, D. C., and 6½ gross packages of Pate-O-Graph at Newark, N. J.; alleging that the former was in possession of Liggett's Drug Store at Washington, D. C., and was being offered for sale in the District of Columbia, and that the latter had been shipped in interstate commerce on or about November 17, 1938, by H. W. Gillespie from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: "Pate-O-Graph, Tobin & Snell, Distributors, New York, N. Y."

The accessory medicament, labeled "Patol," consisted of approximately 80 percent of volatile oils (chiefly eucalyptus oil), a small proportion of an ammonium compound and approximately 20 percent alcohol.

The device was alleged to be misbranded in that it was dangerous to health when used with the frequency and duration prescribed, recommended, and suggested in the labeling, which directed that after saturating the wick with the medicament the vaporization chamber be placed to the nostril and the mouthpiece placed between the lips; that the user blow, gently at first, gradually increasing the pressure; that to increase flow of vapor, the cap be unscrewed a few turns; that the warmth of the breath vaporized the medicament; that the act of blowing causes the soft palate to close; and that the lung pressure enables one to force the warm medicated vapor into the nasal passages. The labeling also bore a diagrammatic sketch illustrating the device which bore the legend explaining that the lung pressure closes soft palate forcing medication to nasal passages.

On December 23, 1938, and January 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

37. Misbranding of Pen-E-Scope. U. S. v. 500 Packages of Pen-E-Scope. Default decree of condemnation and destruction. (F. D. C. Nos. 117, 119. Sample Nos. 42654–D, 58910–D.)

On January 13, 1939, the United States attorney for the Western District of New York filed a libel against 500 packages of Pen-E-Scope at Buffalo, N. Y., which had been consigned by Marney Products Co. from Chicago, Ill. On January 14, 1939, the United States attorney for the Southern District of Ohio filed a libel against 500 packages of Pen-E-Scope at Cincinnati, Ohio, alleging that the article had been transported from Chicago, Ill., by Paul Oleson in his own automobile. The libel alleged that the article had been shipped in interstate commerce on or about December 21, 1938, and January 2, 1939; and charged that it was misbranded. It was labeled in part: "Pen-E-Scope Laboratories * * * Chicago, Ill."

The medicament for use with the device consisted essentially of eucalyptus oil with small proportions of pine oil, camphor, menthol, and acetone.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, which directed that the rounded end of the device be inserted into the nostril, that the mouthpiece be grasped between the lips and that the user should blow steadily—not too hard at first—and that the longer one blew, the deeper the medicated vapor penetrated into the nasal cavities.

On February 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

38. Misbranding of Peranol. U. S. v. 21 Packages of Peranol with Special Medicator (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 107, 122, 130, 131. Sample Nos. 32671–D, 36550–D, 36551–D, 58805–D.)

On or about January 4, 20, and 26, 1939, the United States attorneys for the Western District of Michigan, the District of Kansas, and the Southern District of Indiana filed libels against the following consignments of Peranol with Special Medicator: 21 packages at Grand Rapids, Mich.; 18 packages at Topeka, Kans.; and 9 packages at Indianapolis, Ind. The libels alleged that the article had been shipped in interstate commerce within the period from on or about October 12 to on or about December 6, 1938, by Peranol Products from Chicago, Ill.; and that it was misbranded.

The medicament with this device was labeled: "Peranol Nasal Emollient." It consisted of a mixture of volatile oils including eucalyptus oil, camphor, and menthol, and alcohol (approximately 19 percent).

The device was alleged to be misbranded in that it was dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling which directed that the user place the glass mouthpiece between the lips, hold the nasal medicator to the nostril, and blow gently; and stated that the warm air picks up the medication as it passes through the medicator, breaking it into a very fine spray, the force of the breath tending to carry it to all exposed or accessible parts of the mucous membrane that lines the head passages, at the same time closing off the opening from the head passages to the throat by the action of the breath on the soft palate; and that this action tends to permit the medication, with its stimulating, soothing qualities, to be properly administered to all accessible parts of the membrane.

One of the lots seized at Indianapolis, Ind., was alleged to be misbranded in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30884 published under that act.

On February 27, April 7, and April 28, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

39. Misbranding of Hed Klear. U. S. v. 21 Packages and 9 Packages of Hed Klear. Default decrees of condemnation and destruction. (F. D. C. Nos. 120, 204. Sample Nos. 36141–D, 64026–D.)

On January 16 and March 24, 1939, the United States attorneys for the Northern District of California and the Eastern District of Washington filed libels against 21 packages of Hed Klear at San Francisco, Calif., and 9 packages of Hed Klear at Walla Walla, Wash.; alleging that the article had been shipped in interstate commerce on or about October 28, 1938, by the Van Patten Pharmaceutical Co. from Chicago, Ill.; and charging that it was misbranded.

Enclosed in the carton with each device was a bottle of "Hed Klear Essence," which consisted of a mixture of volatile oils (including eucalyptus oil and menthol), alcohol, acetone, and water.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, which directed that the user place the tip of the metal barrel into the nostril, then place the glass mouthpiece at end of the tube between the lips and blow, very gently at first, then gradually increasing the pressure to suit himself, alternating from nostril to nostril, as desired. The labeling further stated that the longer one blew, the deeper the vapors of the essence penetrated into the nasal cavities; and contained a sketch of the apparatus in use, with a legend which represented that the breath carries the vapors through the nasal passages to all inflamed irritated parts, thus affording relief from discomfort of head colds, rhinitis, nasal catarrh, sinus irritation, and hay fever.

The article was also alleged to be misbranded in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30879 published under that act.

On May 10 and July 19, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

40. Misbranding of Nazoscope. U. S. v. 133 Devices, labeled in part "Nazoscope" (and 5 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 113, 175, 178, 200, 201, 385. Sample Nos. 39565–D, 40915–D, 40918–D, 41370–D, 41599–D, 50598–D.)

Between January 20 and August 14, 1939, the United States attorneys for the Districts of Oregon, Idaho, and Utah filed libels against the following consignments of Nazoscope: 133 packages at Portland, Oreg.; 11 packages at Boise, Idaho; 18 packages at Idaho Falls, Idaho; 63 packages at Salt Lake City, Utah; and 115 packages at Ogden, Utah. The libels alleged that the article had been shipped in interstate commerce within the period from on or about September 5, 1938, to on or about May 15, 1939, by the Murray Laboratories, in various shipments from Pacific Palisades, San Francisco, and Santa Monica, Calif.; and charged that it was misbranded.

The accessory medicament, labeled "Nazone," consisted essentially of volatile oils (including spearmint oil), alcohol, and water.

Misbranding was alleged in that the article was dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, which contained directions that the wick be saturated with Nazone, the appliance inserted into the nostril; that the glass mouthpiece on end of rubber tube be placed between the lips and that the user blow gently, gradually increasing the pressure until the effects could be felt deep in the nasal passages.

Between the dates of March 27 and October 9, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

REDUCING PREPARATIONS

41. Misbranding of O. B. C. Capsules. U. S. v. 138 Packages of O. B. C. Capsules. Default decree of condemnation and destruction. (F. D. C. No. 212. Sample No. 42247–D.)

These capsules contained thyroid and phenolphthalein. They would be dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, which contained directions that one capsule be taken three times a day one-half hour before meals for best results. Its labeling failed to reveal facts material with respect to the consequences which might result from its use under the conditions of use prescribed in the said directions and in a circular in which it was recommended as a valuable aid in the treatment of obesity and which contained representations, among others, that it would promote the combustion of fats, thereby bringing about gradual and appreciable loss of weight; that such loss could be accelerated by eating sparingly of starchy foods, fats, and sugars, but that such regulation of diet was not necessary since the article would reduce without dieting. Its label also failed to bear warnings against its use in those pathological conditions where its use might be dangerous to health or against unsafe doses or duration of administration in such manner and form as are necessary for the protection of users.

On March 29, 1939, the United States attorney for the District of New Jersey filed a libel against 138 packages of O. B. C. Capsules at Atlantic City, N. J.; alleging that the article had been shipped in interstate commerce on or about October 20, 1938, by Frank & Black from Philadelphia, Pa.; and charging that it was misbranded for the reasons appearing above. The article was labeled in part: "Thyrole Products Co., Sole Distributors, Philadelphia, Penna."

On May 3, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

42. Misbranding of Tablets Arbolone. U. S. v. 188 Packages of Tablets Arbolone. Default decree of condemnation and destruction. (F. D. C. No. 216. Sample No. 55108–D.)

This drug consisted of tablets containing desiccated thyroid and extracts of plant drugs including an iodine-containing drug such as bladder wrack and a laxative drug such as cascara sagrada. It was recommended in its labeling as a treatment for obesity with dosage of one to two tablets, beginning with one after each meal and increasing the dose to two tablets after the third day, and continuing until the desired reduction resulted, after which the tablets might be taken occasionally as a preventive. It was recommended further that the dose be reduced if headache, vertigo, or heart palpitation ensued, and that the treatment be continued several weeks or months as the case might require. It would be dangerous to health when used in the dosage or with the frequency or duration so prescribed, recommended, or suggested. Its labeling failed to reveal facts material in the light of the representations set forth in the labeling, or material with respect to consequences which might result from the use of the article under the conditions of use prescribed in the labeling, and failed to bear warnings against its use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration or application.

On April 11, 1939, the United States attorney for the Northern District of Illinois filed a libel against 188 packages of Tablets Arbolone at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about February 15, 1939, by the Arbolone Co. from Dayton, Ohio; and charging that it was misbranded for the reasons appearing above.

On June 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

43. Misbranding of laxative chewing gum. U. S. v. 77 Cartons of Chewing Laxative. Default decree of condemnation and destruction. (F. D. C. No. 73. Sample No. 22341–D.)

This product was a gum, each piece containing 1 grain of phenolphthalein. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, which recommended that it be chewed like gum with a dosage of one to two tablets at night or after mealtime.

On September 8, 1938, the United States attorney for the Northern District of Illinois filed a libel against 77 cartons of chewing laxative at Chicago, Ill.; alleging that the article had been shipped on or about July 20, 1938, by Peltz-Kauffer Co., Inc., from South Bend, Ind.; and charging that it was misbranded for the reasons stated above. It was labeled in part: "Tru-Lax Mint Flavored Chewing Laxative."

The libel also charged that the article was misbranded in violation of the Food and Drugs Act, reported in notice of judgment No. 30001 published under that act.

On November 29, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

44. Misbranding of Bad-Ex-Salts. U. S. v. 27 Bottles of Bad-Ex-Salts (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 109, 110, 112, 114. Sample Nos. 34931–D, 38817–D, 48833–D, 59646–D.)

This product contained tartar emetic. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, which contained representations that the article contained sodium sulfate, sodium carbonate, and sodium chloride (salts

which constitute the active agents of many of the celebrated mineral springs of Europe) with the fruit acid of grapes, and which bore directions that 1 teaspoonful be taken in a glass of water as needed, that a teaspoonful in a glass of cold water was recommended on rising in the morning, and that children should take one-fourth to 1 teaspoonful according to age.

On December 30, 1938, January 4, and January 9, 1939, the United States attorneys for the Southern District of New York, the Eastern District of Missouri, the District of Maryland, and the District of Rhode Island filed libels against 115 bottles of Bad-Ex-Salts in various lots at New York, N. Y., St. Louis, Mo., Baltimore, Md., and Providence, R. I.; alleging that 9 bottles of the product had been shipped from Philadelphia, Pa., to St. Louis, Mo., on or about November 5, 1938, by the American Laboratories; that 99 bottles of the product had been shipped from Carlisle, Pa., in part to Baltimore, Md., on December 9, 1938, and in part to New York, N. Y., on or about December 10, 1938, by the said American Laboratories, and that 7 bottles of the product had been shipped from New York, N. Y., to Providence, R. I., on or about December 17, 1938, by E. J. Barry, Inc.; and charging that the article was misbranded for the reasons stated above.

On January 19, January 26, and February 18, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

45. Misbranding of Dunwody's Turpedine Emulsion. U. S. v. 2,157 Bottles of Dunwody's Turpedine Emulsion. Default decree of condemnation and destruction. (F. D. C. No. 287. Sample No. 58753–D.)

The labeling of this drug preparation bore representations that it was efficacious as a great health builder and system purifier; to build up weak and run-down systems while convalescing from attacks of malaria, typhoid and other wasting fevers, pneumonia, la grippe, and influenza; to stimulate healthy secretions, make red blood corpuscles, disinfect the alimentary canal, prevent auto-intoxication and strengthen the system to resist disease; to build strong constitutions, overcome disease, conserve health, promote a normal functioning of the organs of secretion and assimilation; as a remedy for bronchial trouble; and as a treatment for pulmonary trouble.

On July 14, 1939, the United States attorney for the Southern District of Ohio filed a libel against 2,157 bottles of Dunwody's Turpedine Emulsion at Cincinnati, Ohio; alleging that the article had been transported in interstate commerce on or about June 24, 1939, by Sam Swidler from Chicago, Ill.; and charging that it was misbranded.

Analysis showed that the article was an emulsion consisting essentially of mineral oil, a small proportion of turpentine, traces of hypophosphites, an arsenic compound, quinine alkaloid, an organic iodine compound, glycerin, and water.

The article was alleged to be misbranded in that certain statements in the labeling were false and misleading in that they represented that it was efficacious for the forementioned purposes; whereas it was not efficacious for such purposes.

On September 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

46. Misbranding of Universal Formula. U. S. v. 10½ Dozen Bottles of Universal Formula (and one other seizure action against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 459, 505. Sample Nos. 47709–D, 47763–D, 47764–D.)

The labeling of this drug bore false and misleading representations regarding its efficacy in the treatment of the conditions shown below.

On August 19 and 24, 1939, the United States attorney for the District of Columbia filed libels against 10½ dozen 2-ounce bottles, 10 32-ounce bottles, and 2 12-ounce bottles of Universal Formula at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about May 26, 1939, by Universal Antiseptic & Research Laboratories, Inc., from Bristol, Tenn.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of phenol (1.84 percent), alum, borax, sugar, water, and small proportions of aromatic substances, including thymol and sage. Bacteriological tests showed that it was not antiseptic when diluted as directed in the labeling.

It was alleged to be misbranded in that its labeling bore representations that it was efficacious for universal "antisepticism"; was efficacious as a spray for sinus trouble, quinsy throat, asthma, catarrh, tonsillitis and croup, and infected ears; as a gargle, mouthwash, and rinse for sore throat, mouth ulcers, bleeding gums, receding gums, fever and gum blisters; as a lotion for itch, inflamed skin, rash, acne, stiff joints, numbness, aching areas, lameness; that it should be used in saturated bandages for boils, hives, impetigo, lead and paint poison, mange on domestic animals, open sores, X-ray burns, ingrown nails, eczema, piles, and hemorrhoids; that it was efficacious in the treatment of leucorrhea (whites) and would relieve irritation of the bladder; that it was efficacious for loss of voice, strained vocal cords, and throat trouble; that it was efficacious to relieve tiredness and aching from overstrained eyes, and was especially recommended to welders; and efficacious as a feminine hygiene and rectal douche, which representations were false and misleading since the said article would not be efficacious for the purposes recommended.

On September 18, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

47. Misbranding of glucose solution. U. S. v. 1,176 Ampuls of Sterile Solution Glucose (Dextrose) (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 129, 134, 135, 136, 140, 198. Sample Nos. 42301–D, 42308–D, 62541–D, 62974–D.)

This product was described in its labeling as 50-cc.-sized ampuls of sterile solution of 50-percent glucose. It would be dangerous to health when used in the dosage suggested in the labeling, since it caused untoward reactions in patients to whom it was administered.

On January 23, 1939, the United States attorney for the Eastern District of Pennsylvania, filed a libel against 1,176 ampuls of solution glucose at Philadelphia, Pa. On January 25, 1939, only 123 ampuls having been seized as the remainder had been distributed, an additional libel was filed against 1,000 ampuls of these distributed lots that had been located at various points in Philadelphia, Pa. On January 27, 1939, there was filed in the same district court a libel against 190 vials of glucose solution at Ridley Park, Pa. On March 15, 1939, the United States attorney for the Western District of Louisiana filed a libel against 121 ampuls of glucose at Alexandria, La. The libels alleged that the article had been shipped in interstate commerce within the period from on or about June 15, 1938, to on or about December 21, 1938, by William A. Fitch from New York, N. Y.; and charged that it was misbranded for the reasons stated above. The article was labeled: "Sterile Solution 50 cc Size Glucose (Dextrose) Each 50 cc represents 25 Gms.; or Sterile Solution 50 cc size Glucose (Dextrose) 50 percent."

It was also alleged to be adulterated in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30885 published under that act.

On February 15 and 20 and May 2, 1939, no claimant having appeared, judgments of condemnation were entered and the lots seized in the Eastern District of Pennsylvania were ordered destroyed, and the lot seized in the Western District of Louisiana was ordered delivered to this Department for further investigation.

ADULTERATED AND/OR MISBRANDED DRUGS AND DEVICES

PROPHYLACTICS

Nos. 48 to 58, inclusive, report the seizure and disposition of prophylactics samples of which were found to be defective in that they contained holes.

48. Adulteration and misbranding of prophylactics. U. S. v. 50 Gross of Prophylactics (and 4 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 563, 716, 718, 734, 992. Sample Nos. 52499–D, 52500–D, 63900–D, 67870–D, 76841–D, 76843–D, 78908–D.)

Between September 8 and November 15, 1939, the United States attorneys for the Southern District of New York, District of Maryland, Western District of Pennsylvania, and Western District of Tennessee filed libels against the following lots of prophylactics: 50 gross at New York, N. Y., 440 gross at Baltimore, Md., 79 gross at Pittsburgh, Pa., and 83 gross at Memphis, Tenn.; alleging that the article had been shipped in interstate commerce within the

period from on or about August 23 to on or about October 21, 1939, by Tecla Chemical Corporation from Newark, N. J.; and charging that it was adulterated and that a portion was also misbranded. Certain lots were labeled in part: "Made from Liquid Latex Distributed by Ace Rubber Co. [or "Balto. Rubber Co. Balto., Md." or "Gotham Rubber Co., Chicago, Ill."]." The remaining lots were labeled in part: "Saf-T-Way Prophylactics" or "Tally-Ho."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The product labeled "Saf-T-Way" was alleged to be misbranded in that representations in the labeling that it was a safe prophylactic and was air-blown tested were false and misleading.

Between September 26 and December 12, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

49. Adulteration and misbranding of prophylactics. U. S. v. 59 Gross of Prophylactics (and 3 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 292, 389, 390, 455. Sample Nos. 51905–D, 52448–D, 52449–D, 52450–D, 52463–D.)

On July 14, August 15, and August 18, 1939, the United States attorneys for the Eastern and Western Districts of Pennsylvania filed libels against 59 gross of prophylactics at Philadelphia, Pa., and 87¾ gross of prophylactics at Pittsburgh, Pa.; alleging that the article had been shipped in interstate commerce on or about July 7 and 22, 1939, by Universal Merchandise Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was variously labeled in part: "Saf-T-Way," "Saf-T-Skin," or "Rx 95 * * * Distributed by Gotham Rubber Co., Chicago, New York."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that representations appearing variously in the labeling that it was a safe and dependable prophylactic, was air-blown tested, was guaranteed for 5 years, would prevent disease, and was manufactured of finest quality latex rubber, were false and misleading.

On August 5 and September 8, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

50. Adulteration and misbranding of prophylactics. U. S. v. 22 Gross of Prophylactics (and 7 other seizure actions against prophylactics). Default decree of condemnation and destruction. (F. D. C. Nos. 573 to 580, incl. Sample Nos. 52674–D, 79001–D.)

On September 12, 1939, the United States attorney for the Western District of New York filed libels against 93 gross and 38½ dozen prophylactics at Niagara Falls, N. Y., consigned by Philip Newman; alleging that the article had been shipped from Akron, Ohio, on or about July 20, 1939; and charging that it was adulterated, and that with the exception of one lot, it was misbranded. The article was labeled in part variously: "Gold Town," "Majestic," "Dr. Reade's Genuine Latex Tissue," "Medallion," "Silver-Town," "Supreme Brand," "Silver Crown," or "Special Selected."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding was alleged with respect to all goods, with the exception of the Gold Town brand, in that the labeling of the various brands bore representations that the article was made from the choicest grade of materials obtainable and represented the highest quality of prophylactics, was effective for the prevention of contagious disease, was guaranteed for 5 years, was for medical purposes, was double and triple tested, was specially selected, was an efficient prophylactic, and was extra quality and air tested, which representations were false and misleading.

On October 30, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

51. Adulteration and misbranding of prophylactics. U. S. v. 22 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 365. Sample No. 47586–D.)

On August 8, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 22 gross of prophylactics at Richmond, Va.; alleging that the article had been shipped in interstate commerce on or about July 14, 1939, by Gotham Sales Co., Inc., from New York, N. Y.; and charging

that it was adulterated and misbranded. It was labeled in part: "Saf-T-Way."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that the impression conveyed by the labeling that it was a safe prophylactic was false and misleading.

On October 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

52. Adulteration and misbranding of prophylactics. U. S. v. 231 Dozen Rubber Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 366. Sample No. 47360–D.)

On August 7, 1939, the United States attorney for the District of Maryland filed a libel against 231 dozen prophylactics at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 26, 1939, by Bengor Products Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Texide * * * L. E. Shunk Latex Products, Inc., Akron, Ohio."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that the representations in the labeling that it was a prophylactic and was guaranteed for 5 years, were false and misleading.

On August 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

53. Adulteration and misbranding of prophylactics. U. S. v. 39 Gross and 44 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. Nos. 295, 537. Sample Nos. 51907–D, 52471–D.)

On July 15 and September 11, 1939, the United States attorneys for the Eastern and Western Districts of Pennsylvania filed libels (the former amended July 17, 1939) against 39 gross of rubber prophylactics at Philadelphia, Pa., and 44 gross of the product at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about June 7 and August 14, 1939, by Goodwear Rubber Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Silverpac."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that its labeling bore representations that it was a disease preventative, that it was air-tested, that it was guaranteed for 5 years, that it was guaranteed to stand any reasonable test demanded by the Government in accordance with the "Pure Food and Drug Laws," and was guaranteed to be as good and as safe as any brand on the market today regardless of the fact that other prophylactics are sold at much higher prices, which representations were false and misleading.

On August 5 and October 5, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

54. Adulteration and misbranding of prophylactics. U. S. v. 263 Gross of Prophylactics (and 3 other seizure actions against the same product). Default decree of condemnation and destruction. (F. D. C. Nos. 306, 373, 425, 426, 461. Sample Nos. 44479–D, 44480–D, 44481–D, 54942–D, 55930–D, 55931–D, 67867–D.)

Between July 24 and August 23, 1939, the United States attorneys for the District of New Jersey, the Northern District of Illinois, and the Southern District of New York filed libels against 263 gross of prophylactics at Newark, N. J., 126 5/12 gross of prophylactics at Chicago, Ill., and 249 gross of the product at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about April 15 to on or about August 4, 1939, by L–A Export Co. from Kansas City, Mo.; and charging that it was adulterated or misbranded or both. The article was labeled variously in part: "Truco * * * Distributed by Penn-Jersey Rubber Co., Newark, N. J."; "Made from Liquid Latex Air Tested G. W. R. Co."; or "Clinic [or "Air Tested"] * * * Distributed by Gotham Rubber Co., Chicago, Ill."

The lots seized in the Districts of New Jersey and Northern Illinois were alleged to be adulterated in that the quality of the article fell below that which it purported or was represented to possess.

Misbranding was alleged with respect to the lot seized in the Northern District of Illinois, and in the Southern District of New York in that the representation in the labeling that they were "Air Tested" and that in the labeling of a portion that the product was a disease preventative, was dependable, and had been manufactured of the finest quality of latex rubber, were false and misleading.

Between August 18 and November 8, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

55. Adulteration and misbranding of prophylactics. U. S. v. 21 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 270. Sample No. 54932–D.)

On July 10, 1939, the United States attorney for the Northern District of Illinois filed a libel against 21 gross of prophylactics at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 1, 1939, by Killashun Sales Division from Akron, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: "L. E. S. Genuine Liquid Latex."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that the representations in the labeling that it was guaranteed for 5 years and would prevent venereal disease, were false and misleading.

On September 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

56. Adulteration of prophylactics. U. S. v. 5½ Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 367. Sample No. 67757–D.)

On August 10, 1939, the United States attorney for the Southern District of New York filed a libel against 5½ gross of prophylactics at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 30, 1939, by W. H. Reed & Co. from Atlanta, Ga.; and charging that it was adulterated in that its quality fell below that which it purported to possess.

On September 22, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

57. Adulteration of prophylactics. U. S. v. 60 Boxes of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 400. Sample No. 66186–D.)

On August 15, 1939, the United States attorney for the Northern District of Georgia filed a libel against 60 boxes of prophylactics at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 18, 1939, by Frank G. Karg from Chicago, Ill.; and charging that it was adulterated. It was labeled in part: "Trico Banded Skins."

Adulteration of the article was alleged in that its quality fell below that which it purported or was represented to possess.

On September 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

58. Misbranding of prophylactics. U. S. v. 4 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 255. Sample Nos. 44238–D, 44239–D.)

On July 6, 1939, the United States attorney for the Southern District of New York filed a libel against 4 gross of prophylactics at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 20, 1939, by the Olympia Laboratory from Atlanta, Ga.; and charging that it was misbranded. It was labeled in part "Amazons."

The article was alleged to be misbranded in that representations appearing variously in the labeling that it was air-tested, was made from the choicest grade of materials obtainable, represented the highest quality, would be effective for the prevention of contagious diseases, was 100 percent perfect, and was made of selected material with all the care and skill which long experience in manufacturing can give, were false and misleading when applied to a product which was not suitable for the prevention of disease because it contained perforations or punctures.

On July 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SURGICAL DRESSINGS

Nos. 59 to 66, inclusive, report the seizure and disposition of surgical dressings which were in interstate commerce at the time of examination and which were found to be contaminated with viable micro-organisms at that time.

59. Adulteration and misbranding of gauze bandages and absorbent cotton. U. S. v. 31 Dozen Packages of Gauze Bandages (and 6 other seizure actions against surgical dressings). Default decrees of condemnation and destruction. (F. D. C. Nos. 256, 281, 494, 507, 679, 680, 754. Sample Nos. 52193–D, 52194–D, 54929–D, 57965–D, 59474–D, 74014–D, 74015–D.)

Between July 10 and October 17, 1939, the United States attorneys for the Northern District of Illinois, the Southern and Western Districts of New York, the District of Rhode Island, and the Southern District of California filed libels against 31 dozen packages of gauze bandages at Chicago, Ill., 8 gross packages of absorbent cotton at New York, N. Y., 103 dozen packages of gauze bandages at Buffalo, N. Y., 30 dozen packages of absorbent cotton at Providence, R. I., and 282 dozen packages of absorbent cotton at Los Angeles, Calif.; alleging that the articles had been shipped within the period from on or about November 26, 1938, to on or about September 8, 1939, by the Acme Cotton Products Co., Inc., that certain shipments had been made from Dayville and East Killingley, Conn., into the States of New York and Rhode Island, and that two of the shipments had been made from New York, N. Y., into the States of Illinois and California; and charging that they were adulterated and misbranded. The bandages were labeled in part: "Sterilized After Packaging" or "Sterilized After Packing." The absorbent cotton was labeled in part: "Hospital Surgical Absorbent Cotton" or "Sterilized [or "Purified"] Surgical Absorbent Cotton."

The articles were alleged to be adulterated in that their purity or quality fell below that which they purported or were represented to possess, since they were not sterile.

They were alleged to be misbranded in that representations appearing variously in the labeling that the products had been sterilized after packaging, had been purified, were suitable for hospital and surgical use, had been processed to a high degree of refinement, were recommended for use on wounds and abrasions, in the sickroom and for first-aid purposes, were of high grade and reliable quality, were extensively used by practicing physicians and surgeons, and that exceptional and exacting care was used in manufacture, were false and misleading when applied to products which were not sterile but were contaminated with viable micro-organisms.

Between September 2 and November 9, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

60. Adulteration and misbranding of compress bandages. U. S. v. 100 Cartons of Compress Bandages. Default decree of condemnation and destruction. (F. D. C. Nos. 593, 594. Sample Nos. 63137–D, 63138–D.)

On or about September 13, 1939, the United States attorney for the Southern District of Texas, filed a libel against 100 cartons of compress bandages at Houston, Tex., alleging that the article had been shipped on or about August 11, 12, and 19, 1939, by the Mine Safety Appliance Co. from Pittsburgh, Pa.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that the purity and quality of the article fell below that which it purported or was represented to possess, in that its labeling represented that it had been sterilized after packaging; whereas it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that representations in the labeling that it had been sterilized after packaging, that the wound should be covered by gauze pad and bound, that the wound or pad should not be touched with the hands, that the compress should be placed directly over the wound, that the surface of compress to go on the wound should not be touched, were false and misleading in that they created the impression that the article was sterile and was suitable for use directly upon wounds; whereas it was not sterile and was not suitable for use directly upon wounds.

On October 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

61. Adulteration and misbranding of gauze bandage. U. S. v. 49 Dozen Packages of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 706. Sample No. 68240–D.)

On October 13, 1939, the United States attorney for the Southern District of New York filed a libel against 49 dozen packages of gauze bandage at New York, N. Y., alleging that the article had been shipped on or about August 18, 1939, by the Handy Pad Supply Co. from Worcester, Mass.; and charging that it was adulterated and misbranded. It was labeled in part: "Non-ravel Surgical Gauze Bandage."

It was alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess in that it was represented to be sterile; whereas it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that representations appearing in the labeling that it was surgical gauze bandage which had been sterilized after packaging, had been prepared especially for the medical profession and carefully manufactured under most sanitary conditions for surgical use and was guaranteed to be satisfactory, were false and misleading.

On December 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

62. Adulteration and misbranding of Absorbal refills. U. S. v. 9 Packages of One Reel Refill Absorbal. Default decree of condemnation and destruction. (F. D. C. No. 272. Sample No. 63611–D.)

On July 7, 1939, the United States attorney for the Eastern District of Missouri filed a libel against 9 packages of One Reel Refill Absorbal at St. Louis, Mo., alleging that the article had been shipped on or about June 1, 1939, by Edward Girvin, D. D. S., from Philadelphia, Pa.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess.

Misbranding was alleged in that the representation in the labeling that it had been resterilized after packaging was false and misleading, as applied to an article that was not sterile, but was contaminated with viable micro-organisms.

On September 12, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

63. Adulteration of gauze bandage. U. S. v. 1,005 Dozen Packages, et al., of Gauze Bandage. Decree of condemnation. Product released for relabeling. (F. D. C. No. 629. Sample Nos. 47391–D to 47394–D, incl., 76816–D to 76819–D, incl.)

On September 21, 1939, the United States attorney for the District of Maryland filed a libel against 3,775 dozen packages of gauze bandage at Perry Point, Md., alleging that the article had been shipped on or about July 27, 1939, from Dayville, Conn., by the Acme Cotton Products Co.; and charging that it was adulterated. These bandages were supplied to a Government agency in accordance with Federal Standards Stock Catalogue Specifications which require that "After individual packaging, bandages shall be subjected to a sterilizing process whereby the effectively sealed packages are subjected to the action of steam heat sufficiently to raise the interior of the package to a temperature of 240 degrees F., which temperature shall then be steadily maintained as a minimum for a period of 30 minutes."

Adulteration was alleged in that the purity or quality of the article fell below that which it purported to possess.

On December 5, 1939, judgment of condemnation was entered and it was ordered that the product be released to the claimant on condition that it be relabeled "Not Sterile" or "To Be Sterilized Before Used."

64. Misbranding of First Aid Poc-Kits. U. S. v. 19 Dozen First Aid Poc-Kits. Default decree of condemnation and destruction. (F. D. C. No. 280. Sample No. 9830–D.)

On July 11, 1939, the United States attorney for the Middle District of Pennsylvania filed a libel against 19 dozen packages of First Aid Poc-Kits at Harrisburg, Pa., alleging that the article had been shipped on or about May 15, 1939, by the Hampton Manufacturing Co., Inc., from Carlstadt, N. J.; and charging that it was misbranded.

Misbranding was alleged in that representations on the kit that it was indispensable as a first aid for all minor injuries, and was a safeguard against

infection, were false and misleading since the gauze bandage and absorbent cotton were contaminated with viable micro-organisms.

On August 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

65. Misbranding of gauze bandage. U. S. v. 31 Dozen, 28 Dozen, and 27 Dozen Cartons of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 817. Sample No. 68320-D.)

This product had been shipped in interstate commerce; and at the time of examination and while in interstate commerce, it was found to be contaminated with viable micro-organisms. It did not consist of a continuous roll of gauze but contained pieces of gauze formed into a roll.

On October 26, 1939, the United States attorney for the District of New Jersey filed a libel against 86 dozen cartons of gauze bandage at Newark, N. J., alleging that the article had been shipped on or about August 9, 1939, by the Ross Products Co. from New York, N. Y.; and charging that it was misbranded. A portion was labeled in part: "Doctors and Nurses Gauze Bandage." The remainder was labeled in part: "Physician's and Surgeon's Gauze Bandage First Aid Products Corp., N. Y."

Misbranding was alleged in that representations in the labeling that the article was appropriate for the use of doctors and nurses, physicians and surgeons, and for first aid purposes, together with cuts depicting a nurse on some of the packages, and a cut depicting a surgeon on other packages, were false and misleading as applied to an article that was not sterile but was contaminated with viable micro-organisms. It was alleged to be misbranded further in that its labeling failed to reveal a fact which was material in the light of the representations made for the article, namely, that the packages did not contain a continuous roll of gauze but contained pieces of gauze formed into one roll.

On November 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

66. Misbranding of absorbent cotton. U. S. v. 251 Packages of Richmond Aseptic Cotton Pellets. Default decree of condemnation and destruction. (F. D. C. No. 586. Sample No. 51940-D.)

On September 11, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 251 packages of absorbent cotton at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about May 26 to on or about July 10, 1939, by Richmond Dental Manufacturing Co. from Niagara Falls, N. Y.; and charging that it was misbranded.

Misbranding was alleged in that the representations in the labeling that the article was aseptic, was of the finest grade of absorbent cotton, and was absolutely clean, were false and misleading since it was not sterile, was not suitable for aseptic uses, was not of the finest grade of absorbent cotton, and was not absolutely clean, but was contaminated with viable micro-organisms. It was alleged to be misbranded further in that the label was misleading since it failed to reveal the fact that the article was unsterile, which fact is material in the light of the representations made in the labeling, and material with respect to consequences which might result from the use of the article to which the labeling related under such conditions of use as are customary or usual.

On September 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

COSMETICS MISBRANDED UNDER PROVISIONS OF THE LAW APPLICABLE TO DRUGS

67. Adulteration and misbranding of Madam C. J. Walker's Tan-Off. U. S. v. 717 Tins of Madam C. J. Walker's Tan-Off. Default decree of condemnation and destruction. (F. D. C. No. 187. Sample No. 29435-D.)

This product contained ammoniated mercury, a poisonous or deleterious substance. It would be dangerous to health when used in the dosage or with the frequency or duration so prescribed, recommended, or suggested. Its labeling did not bear adequate directions for use and such adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health or against unsafe dosage or methods or duration of administration or application in such manner and form as are necessary for the protection of users. It was recommended in the labeling for brightening sallow or dark skin, treatment of tan, freckle, and skin-blotch, and for clearing the complexion, with directions that it be applied with the tips of the fingers before retiring and

allowed to remain on the skin overnight and that after washing in the morning it be applied and allowed to remain on from 5 to 10 minutes.

On March 3, 1939, the United States attorney for the Northern District of Ohio, filed a libel against 717 tins of the above-named product at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about February 2, 1939, by the Madam C. J. Walker Manufacturing Co. from Indianapolis, Ind.; and charging that it was adulterated and misbranded.

It was alleged in the libel that the article was a drug which affects the body function and structure and was misbranded for the reasons stated above. It was also alleged to be adulterated under the provisions of the law applicable to cosmetics as reported in C. N. J. No. 17.

On September 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

68. Adulteration and misbranding of Palmer's Antiseptic Skin Lotion. U. S. v. 36 Bottles of Palmer's Antiseptic Skin Lotion. Default decree of condemnation and destruction. (F. D. C. No. 183. Sample No. 35008–D.)

This product contained mercuric chloride (corrosive sublimate), a poisonous or deleterious substance. It was recommended in its labeling that it be used for minor cuts, burns, and bites, that bandages be applied loosely and saturated with the lotion and that it be applied for any cuts and irritation. It would be dangerous to health when so used. Its labeling failed to reveal facts material with respect to the consequences which might result from its use under the conditions of use prescribed in the labeling or under such conditions of use as are customary or usual, and failed to bear adequate directions for use and warnings against use in those pathological conditions where its use might be dangerous to health or against unsafe methods or duration of administration.

On March 3, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 36 bottles of Palmer's Antiseptic Skin Lotion at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about November 25, 1938, by Solon Palmer from New York, N. Y.; and charging that it was adulterated and misbranded. It was alleged to be misbranded under the provisions of the law applicable to drugs for the reasons stated above. It was also alleged to be adulterated under those applicable to cosmetics as reported in C. N. J. No. 21.

It was alleged to be adulterated and misbranded in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30883 published under that act.

On May 31, 1939, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

69. Adulteration and misbranding of Othine. U. S. v. 28 Packages and 28 Jars of Othine. Default decrees of condemnation and destruction. (F. D. C. Nos. 213, 214. Sample Nos. 35880–D, 52229–D.)

This product, a skin bleach prepared especially for the removal of freckles, contained ammoniated mercury, a poisonous or deleterious substance. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling. Its labeling bore directions that it be applied lightly with the finger tips before retiring, after first washing the face with soap and warm water and drying thoroughly; that it should not be rubbed in and should be left on all night and washed off in the morning, and that directions should be followed nightly until entire jar had been used. The user was cautioned not to apply the cream too close to the eyes or on eyelids, throat, or neck, nor near open cuts, and not to use it while one has prickly heat or fresh sunburn. It was directed in the circular that in the case of sensitive skin which showed irritation after first day's application, it should be stopped and a little vaseline applied, and application should be resumed after 2 or 3 days once every other day "until the skin got used to it, increasing by degrees until once a day was reached without causing irritation." Its labeling did not bear adequate directions for use and such adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form as are necessary for the protection of users.

On March 30 and 31, 1939, the United States attorneys for the District of Massachusetts and the Western District of Pennsylvania filed libels against 26 packages of Othine at Boston, Mass., and 28 jars of Othine at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce by the Othine

Laboratories, Inc., from Buffalo, N. Y., within the period from on or about December 1, 1938, to on or about March 15, 1939; and charging that it was adulterated and misbranded.

It was alleged to be a misbranded drug for the reasons stated above. It was also alleged to be an adulterated cosmetic as reported in C. N. J. No. 20.

On April 24 and May 1, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

70. Misbranding of Soule's External Lotion. U. S. v. 5 Bottles and 8 Bottles of Soule's External Lotion. Default decrees of condemnation and destruction. (F. D. C. Nos. 221, 229. Sample Nos. 10474-D, 13696-D.)

This product contained mercuric chloride, a poisonous or deleterious substance. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling in which it was recommended as a treatment for moth, tan, freckles, and pimples. For the treatment of moth it was directed that a soft cloth be moistened with the lotion, that the face be bathed morning and evening for 2 or 3 weeks or until a slight roughness is experienced and then that it be applied evenings until the face becomes clear; that for tan it be applied every evening; that for freckles it be used in the same manner as for tan unless the case was severe, in which event it should be applied as for moth; and that for pimples it should be applied every evening but if it proved stronger than was pleasant for the face, the cloth should be dampened in water, the lotion applied to the damp cloth, and the applications made less frequently. Its labeling failed to bear adequate directions for use and such adequate warnings against use in those pathological conditions or by children where its use might be dangerous or against unsafe dosage or methods or duration of administration or application in such manner and form as are necessary for the protection of users.

On April 17 and May 13, 1939, the United States attorney for the Southern District of Florida filed libels against 13 bottles of the above-named product at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about February 1 and April 18, 1939, by L. M. Brock & Co. from Lynn, Mass.; and charging that it was a misbranded drug for the reasons appearing hereinbefore. The article was also alleged to be an adulterated cosmetic, as reported in C. N. J. No. 22.

On June 22, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

71. Adulteration and misbranding of Miller's Anti-Mole. U. S. v. 21 Packages of Miller's Anti-Mole. Default decree of condemnation and destruction. (F. D. C. No. 228. Sample No. 66601-D.)

This product contained nitric and acetic acid. It would be dangerous to health, and its labeling failed to reveal the consequences which might result from its use.

On May 16, 1939, the United States attorney for the Western District of Missouri filed a libel against 21 packages of Miller's Anti-Mole at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about March 13, 1939, by the Miller Manufacturing Co. from Lincoln, Nebr.; and charging that it was adulterated and misbranded.

The article was alleged to be misbranded in that it was a drug which affects the body structure and would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in its labeling, which bore directions that it be applied with a hardwood toothpick and used very sparingly so that all the liquid applied would be absorbed; that small warts on the scalp usually could be rubbed off with the first application, a large one requiring more thorough treatment, and that one application was sufficient to remove warts when used properly. It was directed further that the user pick gently so that the liquid would penetrate the skin if the growth treated was very small, that when the skin turned yellow no more should be applied; but that with a large wart enough should be used to turn it dark; that about 2 hours after applying the growth should be greased with vaseline to keep it soft and to prevent soreness. Users were cautioned not to use the preparation on themselves unless the growth was on arm, leg, or where freely accessible; that the scab should not be picked off, that a little vaseline should be placed around the growth to keep the liquid from spreading, and that the product should not be permitted to enter the eye. The labeling also bore the word "Poison" and external and internal antidotes. Its labeling did not bear adequate directions for use and such adequate warnings against use in those pathological

conditions or by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration or application in such manner and form as are necessary for the protection of users.

It was also alleged to be adulterated under the provisions of the law applicable to cosmetics as reported in C. N. J. No. 18.

On July 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

72. Adulteration and misbranding of O. J.'s Beauty Lotion. U. S. v. 428 Bottles of O. J.'s Beauty Lotion. Default decree of condemnation and destruction. (F. D. C. No. 242. Sample No. 62843–D.)

This product contained mercuric chloride, a poisonous and deleterious ingredient.

On August 8, 1939, the United States attorney for the Northern District of Texas filed a libel against 428 bottles of O. J.'s Beauty Lotion at Dallas, Tex., alleging that the article had been shipped in interstate commerce by O. J.'s Beauty Lotion Co. from Shreveport, La. (consigned about May 8 and June 8, 1939); and charging that it was adulterated and misbranded. It was labeled in part: "O. J.'s Beauty Lotion, Cleanses, Clears, Bleaches, Beautifies * * * Manufactured and guaranteed by O. J. Parham for O. J.'s Beauty Lotion Co., Shreveport, La."

Misbranding was alleged in that the article was a drug and was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in its labeling, and the label did not bear adequate directions for use and such adequate warnings against use in those pathological conditions, or by children where its use might be dangerous to health or against unsafe dosage or methods or duration of administration or application in such manner and form as are necessary for the protection of users. It was recommended in its labeling for the removal of externally caused pimples, freckles, superficial discoloration, tan, and sunburn. Its circular bore directions that in the beginning of the treatment the preparation be used sparingly once or twice a day and that the frequency of application be increased, if desired, until a roughness or slight reddening of the skin be experienced; that if the skin were supersensitive and the irritation became annoying, a small amount of cold cream should be applied and the treatment discontinued for 24 hours; that it be used daily as a cleansing agent, its astringent and beneficial qualities making it especially desirable for such purposes; that its frequent use would remove superficial imperfections, contract the pores and correct oiliness; that it contained ingredients recognized and used by physicians and prescription druggists as a bleaching agent; that it had gained supremacy in the most difficult country—the South and if used full strength daily would remove freckles and similar spots or blemishes and the coarsening effects of tan by sun and wind; that it be used full strength as an application to the scalp before shampooing and should be used three or four times a week on the scalp in solution of one part of the lotion to three parts of water applied with fingertips or brush; that it was a delightful after-shaving lotion; would tend to close large pores and leave the face clean and cool; that it was a desirable application for cuts, scratches, and abrasions of the skin for which it should be used full strength; that its astringent properties would prevent collection of foreign matter and excessive oily secretions. Its labeling bore the word "Poison" and directions that it should not be taken internally and should be kept out of the hands of children.

It was also alleged to be an adulterated cosmetic as reported in C. N. J. No. 19.

On September 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

73. Misbranding of dental cream. U. S. v. 3 Gross Packages of Dental Cream. Default decree of condemnation. Product delivered to charitable organization. (F. D. C. No. 547. Sample No. 67651–D.)

The labeling of this product bore the false and misleading claim that it would make the gums healthy and firm.

On September 6, 1939, the United States attorney for the Southern District of New York filed a libel against 3 gross packages of dental cream at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 11 and August 11, 1939, by Trade Laboratories, Inc., from Newark, N. J.; and charging that it was misbranded. It was labeled in part:

"Lee's Milk of Magnesia Dental Cream * * * The Trade Laboratories, Inc., Distributors, Newark, N. J."

The article was alleged to be misbranded in that the representation in the labeling that it would make the gums healthy and firm, was false and misleading, since it was not efficacious for the purposes recommended.

It was also alleged to be misbranded under the provisions of the law applicable to cosmetics reported in C. N. J. No. 24.

On September 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable organization.

MISCELLANEOUS

74. Adulteration and misbranding of epinephrine chloride solution. U. S. v. One Carton of Solution Epinephrine Chloride. Default decree of condemnation and destruction. (F. D. C. No. 596. Sample No. 51848–D.)

This product had a potency of not more than 65 percent of the requirement of the United States Pharmacopoeia for epinephrine hydrochloride.

On September 14, 1939, the United States attorney for the District of New Jersey filed a libel against one carton, containing seven 1-ounce bottles, of epinephrine chloride solution at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about April 29, 1939, by Harvey-Pittenger Co. from Philadelphia, Pa.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that it purported to be or was represented as a drug the name of which is recognized in the United States Pharmacopoeia, and its strength differed from or its quality fell below the standard set forth in the pharmacopoeia.

It was alleged to be misbranded in that the representation in the labeling that each fluid ounce contained 0.45 grain of epinephrine was false and misleading since it contained less than 0.45 grain of epinephrine in each fluid ounce.

On October 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

75. Adulteration and misbranding of Daily Vitamins. U. S. v. 84 Boxes of Daily Vitamins. Default decree of condemnation and destruction. (F. D. C. No. 556. Sample No. 47472–D.)

This product was represented to contain 200 International Units of vitamin B_1 per capsule, whereas it contained not more than 10 International Units of vitamin B_1 per capsule.

On September 5, 1939, the United States attorney for the District of Columbia filed a libel against 84 boxes of Daily Vitamins at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about December 22, 1938, by Daily Vitamins, Inc., from Cincinnati, Ohio; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that its strength differed from and its purity fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that the representation in the labeling that each capsule contained not less than 400 Sherman Units (200 International Units) of vitamin B_1, was false and misleading.

On September 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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PRODUCTS

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

U. S. GOVERNMENT PRINTING OFFICE: 1940

D. D. N. J., F. D. C., 76-140 Issued May 1940

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

76-140

DRUGS AND DEVICES

The cases reported herein were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by direction of the Secretary of Agriculture.

GROVER B. HILL, *Acting Secretary of Agriculture.*

Washington, D. C., May 8, 1940.

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MISBRANDED SEDATIVES, PAIN RELIEVERS, AND HEADACHE REMEDIES

76. Misbranding of Causalin. U. S. v. Amfre Drug Co., Inc., and Lewis Stern. Pleas of guilty. Fines, $1,400. (F. D. C. No. 94. Sample Nos. 25962-D, 25963-D, 25964-D, 30071-D to 30074-D, incl., 30092-D to 30097-D, incl., 35452-D, 35453-D, 35567-D, 35569-D, 35570-D, 41997-D.)

This product consisted of capsules and tablets containing aminopyrine (aminodimethylpyrazolon,) salicylic ethyl ester carbonate, and a sulfonate such as quinolinesulfonate. It would be dangerous to health when used in the dosage or with the frequency prescribed, recommended, and suggested in the labeling.

The labeling of 6 of the 7 shipments bore the recommendation that the article be taken in the dosage as directed by the physician, 1 to 2 tablets or capsules 3 times a day, one-half hour before meals. In the seventh shipment the labeling in describing the "manner of use" of the article represented that the average dose was 1 capsule or tablet 3 times daily one-half hour before meals and that in severe or chronic cases one should start with 2 capsules or tablets 3 times daily continuing for about a week, then gradually reducing the dosage.

On January 30, 1940, the United States attorney for the Southern District of New York filed an information against the Amfre Drug Co., Inc., and Lewis Stern, president of the corporation, alleging shipment by said defendants within the period from on or about July 1 to on or about December 27, 1938, from the State of New York into the States of New Jersey, Pennsylvania, Massachusetts, and Rhode Island, of quantities of Causalin which was misbranded for the reasons appearing above.

The article was also charged with being adulterated and misbranded in violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 30996, published under that act.

On January 30, 1940, pleas of guilty having been entered, the court imposed sentences for violation of both acts, the fines against each defendant on the counts charging violation of the Federal Food, Drug, and Cosmetic Act amounting to $700.

77. Misbranding of Cal-co-cin. U. S. v. George T. Lambert, David Periera, and George D. Lambert. Pleas of nolo contendere. Fines, $250. (F. D. C. No. 95. Sample Nos. 34424–D, 34642–D, 34644–D, 34703–D.)

This drug consisted of the calcium salts of benzoic acid and cinchophen. It would be dangerous to health when used in the dosage or with the frequency prescribed, recommended, and suggested in the labeling, which directed the dosage of one capsule four times a day, after meals and on retiring.

On September 13, 1939, the United States attorney for the Eastern District of Pennsylvania filed an information against George T. Lambert, David Periera, and George D. Lambert, trading as the Crescent-Kelvan Co., a business trust, Philadelphia, Pa., alleging shipment by said defendants within the period from on or about July 28 to on or about October 20, 1938, from the State of Pennsylvania into the State of Maryland of quantities of Cal-co-cin, which was misbranded in violation of the Federal Food, Drug, and Cosmetic Act for the reasons stated above.

The information also charged that the article was misbranded in violation of the Food and Drugs Act of 1906 reported in notice of judgment No. 30202 published under that act.

On December 8, 1939, pleas of nolo contendere were entered on behalf of the defendants. On January 5, 1940, the court imposed fines amounting to $250 for violation of both acts.

78. Misbranding of Sodasal. U. S. v. Harry Enkel (Sodasal Laboratories). Plea of guilty. Sentence 1 year. Sentence suspended and defendant placed on probation for 3 years. Fine of $100 also imposed. (F. D. C. No. 96. Sample Nos. 42944–D, 42971–D, 43181–D, 52224–D.)

This product contained aminopyrine, sodium salicylate, compounds of potassium, magnesium, and calcium, and citrates, carbonates, sugar, and water. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, and suggested in the labeling, which directed that 1 tablespoonful or 4 teaspoonfuls be taken in water, milk, or orange juice, followed by a full glass of water or milk three times a day before or after meals or on retiring, and that the dose be cut down "if the ears ring or if allergic."

On November 14, 1939, the United States attorney for the Eastern District of Michigan filed an information against Harry Enkel, trading as the Sodasal Laboratories, Detroit, Mich., alleging shipment by said defendant within the period from on or about January 14 to on or about March 4, 1939, from the State of Michigan into the State of Pennsylvania of quantities of Sodasal which was misbranded for the reasons stated above.

The information also charged that the article was misbranded in violation of the Food and Drugs Act of 1906 reported in notice of judgment No. 30977 published under that act.

On December 4, 1939, a plea of guilty having been entered, the court sentenced the defendant to 1 year's imprisonment and imposed a fine of $100 for violation of both acts. Prison sentence was suspended and the defendant was placed on probation for 3 years.

79. Misbranding of Hartshorn's Headache Powders. U. S. v. 39 Packages of Hartshorn's Headache Powders. Default decree of condemnation and destruction. (F. D. C. No. 618. Sample No. 69095–D.)

This product consisted essentially of acetanilid, caffeine, sodium bicarbonate, and flavoring materials. It would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in its labeling, which bore directions that 1 powder be taken, to be repeated in 20 to 30 minutes if necessary for simple headache; that 1 powder should be taken every 2 or 3 hours as required for simple neuralgia and acute rheumatic fever; that 1 powder be taken on retiring, to be repeated in 1 hour if sleep is not produced, for sleeplessness and nervousness; that 1 powder be taken and repeated in 1 hour, and 1 powder after 2 or 3 hours, for colds, and that not more than 3 powders should be taken during a period of 3 hours.

On September 23, 1939, the United States attorney for the District of Maine filed a libel against 39 packages of Hartshorn's Headache Powders at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about July 22, 1939, by E. Hartshorn & Sons, Inc., from Northampton, Mass.; and charging that it was misbranded.

On October 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

80. Misbranding of Cephalgine Tablets. U. S. v. 30 Packages of Cephalgine Tablets. Default decree of condemnation and destruction. (F. D. C. No. 460. Sample No. 69431-D.)

This product consisted essentially of acetanilid, caffeine, and camphor. It would be dangerous to health when used as recommended, and its labeling failed to reveal the consequences which might result from its use. Its labeling was further objectionable because of false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On August 28, 1939, the United States attorney for the District of New Hampshire filed a libel against 30 packages of Cephalgine Tablets at Concord, N. H., alleging that the article had been shipped in interstate commerce on or about March 28 and April 20, 1939, by the Cephalgine Co. from Spencer, Mass.; and charging that it was misbranded.

It was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, which recommended that a dose of one or two tablets be taken; that two more might be taken in 1 hour if needed or that two tablets might be taken every 3 or 4 hours and that, between the ages of 5 and 10, half the above dose should be administered; and because of failure of the labeling to bear warnings against use in those pathological conditions or by children where its use might be dangerous to health or against unsafe dosage or methods or duration of administration or application, in such manner and form as are necessary for the protection of users. It was alleged to be misbranded further in that statements in the labeling in which it was recommended as a relief of pain and discomfort due to simple headaches, neuralgia, and muscular aches and pains and in which it was represented that frequent use did not require an increase in the dose; that it contained no habit-forming drug or narcotic were false and misleading, since it was not a safe remedy for the conditions mentioned, and the said statements encouraged the user to take the preparation frequently and misled the user to believe that it might be taken with safety; whereas it contained a dangerous drug, acetanilid.

On October 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

81. Misbranding of Bromo-Seltzer. U. S. v. 168 Dozen Small Size, 102 Dozen Medium Size, 171 Dozen Large Size, 33 Dozen Extra Large Size, and 115 Dozen Dispensing Size of Emerson's Bromo Seltzer (and 7 other seizure actions instituted against Bromo Seltzer). Motion filed by claimant for consolidation and removal. Motion for consolidation granted. Motion for removal denied. Cases consolidated under one libel captioned U. S. v. 376 Dozen Small Size, et al. Emerson's Bromo-Seltzer. Consent decree of condemnation. Product ordered released under bond for salvaging the citric acid and the containers. (F. D. C. Nos. 184, 185, 186, 188, 189, 190, 191, 192, 195, 196. Sample Nos. 44847-D, 44848-D, 44861-D, 44862-D, 45051-D to 45057-D, incl., 45395-D to 45400-D, incl., 45501-D to 45514-D, incl., 59378-D, 59379-D, 59380-D, 59909-D to 59914-D, incl., 60061-D to 60071-D, incl., 60101-D, 60102-D.)

This product contained acetanilid, sodium bromide, and caffeine incorporated in an effervescing mixture. Seizure action was instituted on the charges that it was dangerous to health when used as directed in the labeling, and that its labeling failed to reveal facts material with respect to consequences which might result from its use.

On March 7, 8, and 10, 1939, the United States attorneys for the Southern District of New York, Northern District of Georgia, Eastern District of Tennessee, and the Middle District of North Carolina filed libels against a total of 1,116⅔ dozen small size, 798⅔ dozen medium size, 485¾ dozen large size, 101¾ dozen extra large size, 188¾ dozen dispensing size packages, and 20 cards, each bearing a number of individual dose tubes of Bromo Seltzer, in various lots at New York N. Y.; Atlanta, Ga.; Knoxville, Tenn.; and Greensboro, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about October 31, 1938, to on or about March 3,

1939, by the Emerson Drug Co. from Baltimore, Md.; and charging that it was misbranded.

On April 25, 1939, the Emerson Drug Co., Baltimore, Md., filed in the Southern District of New York, a petition alleging that the 8 different libel proceedings involved identical issues, that it had acquired title to all the goods involved; that it had or would file a claim of interest in each proceeding and that it intended to defend and had answered or would file timely answers in each proceeding denying the material allegations of the libels. The intervenor petitioned that the proceedings be consolidated and removed to the United States District Court for the District of Maryland; and on April 26, 1939, an order to show cause why such consolidation and removal should not be ordered was served upon the Government. On May 9, 1939, the United States attorney having filed an affidavit in opposition to that portion of the relief prayed for which sought the removal of the consolidated proceedings to the District of Maryland, the motion for consolidation and removal was argued. Decision was reserved. On May 25 the court granted the motion for consolidation, but denied the motion for removal, handing down the following opinion:

JOHN W. CLANCY, *District Judge*. "This is a motion to consolidate eight libel proceedings into one and have it removed to the United States District Court for the District of Maryland, wherein the claimant, a Maryland corporation, has its principal place of business. The present proceedings are pending in the Southern District of New York, the Northern District of Georgia, the Eastern District of Tennessee, and the Middle District of North Carolina. The motion was brought under Sec. 304 (b) of the Federal Food, Drug, and Cosmetic Act, Title 21 U. S. C. A. 334, which provides in part: '* * * When libel for condemnation proceedings under this section, involving the same claimant and the same issues of adulteration or misbranding, are pending in two or more jurisdictions, such pending proceedings, upon application of the claimant seasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (1) any district selected by the claimant where one of such proceedings is pending; or (2) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the claimant may apply to the court of one such jurisdiction, and such court (after giving the United States attorney for such district reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.' The Government has not objected to the consolidation but does object to the removal. The relevant portion of this section, in its original form in the Senate, provided: 'The United States District Court wherein the claimant's principal place of business is located, or such district court as the parties may agree upon, are hereby vested with jurisdiction to try such cases.' But the House changed it to read: '* * * (1) any district, selected by the claimant, where one of such proceedings is pending; or (2) a district in a State contiguous to the State of the claimant's principal place of business, such district to be agreed upon by stipulation between the parties, or, in case of failure to so stipulate within a reasonable time, to be designated by the court to which such application was made.' This change was not accepted by the Senate. The Bill was then sent to a Committee of Conference, whence it emerged in the form in which it was finally enacted. We think that the record of the Committee reports and debates in the Senate, preceding its enactment, and the Bill's language, disclose that it was the intention of the Congress that a claimant might not obtain a removal of the case for trial to the district of its principal place of business. The Act affords the claimant the right to obtain a trial in any other district of reasonable proximity to its principal place of business unless good cause to the contrary is shown. However, claimant here has not requested any district other than that of its principal place of business and, in the absence of such request, the Court, while granting the motion to consolidate, must deny the motion for removal, thereby effectuating a consolidation in this district which is reasonably proximate to claimant's principal place of business and wherein it saw fit to make this motion."

On May 31, an order was filed in accordance with the said opinion, and the Clerks of Court for the Eastern District of Tennessee, Northern District of

Georgia, and Middle District of North Carolina were ordered to transmit to the Southern District of New York all records in the proceedings in their respective jurisdictions. On July 21, 1939, after the cases were consolidated as ordered, an amended libel was filed in the Southern District of New York with respect to all the goods under seizure.

It was alleged in the said amended libel that the article was misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling. The dosage recommended on the cartons and bottle labels of the small, medium, and large sizes was a heaping teaspoonful in a half glass of water to be repeated in an hour if not relieved, or until 3 doses had been taken within 24 hours. The label of the extra large-size bottles and the dispensing size, the circulars enclosed in the cartons, and the single dose tube bore directions which were substantially the same, except that they recommended that the dose be repeated in a half hour if not relieved, or until three doses had been taken.

The article was alleged to be misbranded further in that the labeling was false and misleading because it failed to reveal facts material with respect to the consequences which might result from the use of the article under the conditions of use prescribed in the labeling.

The labeling which the libel alleged to be false and misleading consisted of the directions for dosage hereinbefore referred to and further statements appearing on the cartons enclosing all sizes but the single dose tubes, statements on the labels of the bottles enclosed in the said cartons, circulars accompanying the said bottles, the tubes containing the single dose size, and the cards to which the tubes were attached.

The said cartons bore representations that the article was a balanced compound of several medicinal ingredients for headache and neuralgia. The bottle labels bore the representation that the article was efficacious for the relief of headache and neuralgia. The single dose tubes and the cards bore representations that the article was efficacious for headache and neuralgia, that it was for use at home or while traveling and that it "Stops Headache Faster."

Circulars accompanying the small-, medium-, and large-sized bottles contained representations that millions had obtained "fast headache relief" with Bromo Seltzer; that it would relieve headache, settle the stomach, soothe the nerves, and "leave one keener the morning after"; that it would help the head and stomach when "too much to eat had caused a sick headache"; that it would be efficacious to "clear nervous headache" and leave one more efficient; that it would give rapid relief in fatigue headache; that doctors after testing a number of products which were popular for the symptoms of over-indulgence had found that Bromo-Seltzer relieved morning-after headaches faster than any other remedy they tested; that it would bring speedy relief to other types of headache; that it would relax nervous tension resulting from upset nervous system caused by headache, and would help place the nervous system in a more normal state; that it would help restore normal alkaline balance when accumulation of excess acid substances accompanied headache as on morning after; that a dose taken before going to bed, following over-indulgence or unusual strain or fatigue, would help prevent a headache next morning and that after waking another dose was added assurance against headache and hangover; and that its action, while prompt, was gentle and calming. A circular accompanying the extra large-sized packages contained representations that most people would rather have an occasional headache than observe the rigid rules necessary to avoid it; that certain pain-relieving drugs (like the one used in Bromo-Seltzer) had done more to give relief from headaches and ordinary discomforts and to make life more comfortable and agreeable than any other discovery of ancient or modern time; that it would save a holiday from being spoiled by headache which might follow strenuous exercise, muscle strain, exposure to the sun and wind; that it would end the pain of dull throbbing head resulting from exhaustion caused by overwork; that it should be taken at the first sign of a headache or before retiring at those times when one feels he may have a headache; that its granular effervescence made it the ideal form of headache remedy because besides stopping the pain in the head, the effervescence relieved gastric distress that so often accompanies, and even causes, headache; that for the most complete relief it should be taken in very cold water, a heaping teaspoonful to half a glass, stirred, and drunk at once since in that way it would be less bubbly and the greatest quantity of gas (CO_2) would remain dissolved in the water rendering its helpful action in the stomach more available; that its action while prompt was gentle and calming;

that one of two doses usually gave relief to periodic headaches of women; and that it does not upset the stomach.

On August 30, 1939, the claimant filed an amended answer, which denied the misbranding charges and challenged the constitutionality of the Federal Food, Drug, and Cosmetic Act on the grounds: first, that it provided for unlawful search and seizure; and second, that it was too general and uncertain in its provisions.

On January 2, 1940, the claimant having represented to the court that since the commencement of the several libel proceedings it had changed the formula of the product manufactured and sold by it, and the said claimant having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The decree contained the following provision: "*Ordered, Adjudged, and Decreed*, That this is a proceeding in rem and that this decree is to be without prejudice to the rights of the United States of America or of the said claimant. The Emerson Drug Company of Baltimore City, in any other litigation, and without prejudice to the right of the claimant to deny in any other or future litigation that the libeled product herein is misbranded or otherwise violates the provisions of the Federal Food, Drug and Cosmetic Act, the court having taken no proof in support of the allegations of the libel and answer."

On January 6, 1940, an order was entered by the court providing for release of the product under bond conditioned that the citric acid and the bottles be salvaged, and that the remaining ingredients of the product be destroyed.

DRUGS SEIZED BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS OR BECAUSE OF SUBSTITUTION[1]

VITAMIN PREPARATIONS

82. Adulteration and misbranding of cod liver oil. U. S. v. One 30-gallon Drum and Three 38-pound Drums of Cod Liver Oil. Default decree of condemnation and destruction. (F. D. C. Nos. 1082, 1083. Sample Nos. 55959–D, 55960–D.)

One lot of this product contained not more than 42.5 A. O. A. C. chick units of vitamin D per gram; whereas the United States Pharmacopoeia requires that cod liver oil shall contain not less than 85 U. S. P. units of vitamin D per gram (an A. O. A. C. chick unit of vitamin D is by definition the equivalent of a U. S. P. unit of vitamin D). The other lot was labeled as containing 400 U. S. P. vitamin D units per gram and 3,000 U. S. P. vitamin A units per gram, but contained not more than 50 A. O. A. C. chick units of vitamin D per gram and not more than 1,580 units of vitamin A per gram.

On November 28, 1939, the United States attorney for the Western District of Michigan filed a libel against one 30-gallon drum of cod liver oil and three 38-pound drums of cod liver oil at Petoskey, Mich., alleging that the article had been shipped in interstate commerce on or about September 15, 1939, by the Val-A Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part, "Val-A 'Cavalier'."

One lot of the article was alleged to be adulterated in that it was represented as a drug the name of which is recognized in an official compendium, and its strength differed from, and its quality and purity fell below, the standard set forth in such compendium. It was alleged to be misbranded in that the representation in the labeling that it contained 85 A. O. A. C. units of vitamin D was false and misleading.

The remaining lot was alleged to be adulterated in that its strength differed from, and its purity and quality fell below, that which it purported or was represented to possess. It was alleged to be misbranded in that the representations in the labeling that it contained 400 U. S. P. vitamin D units per gram and 3,000 U. S. P. vitamin A units per gram, were false and misleading.

On January 4, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

83. Adulteration and misbranding of cod liver oil. U. S. v. 4 Drums of Cod Liver Oil. Default decree of condemnation and destruction. (F. D. C. No. 700. Sample No. 48434–D.)

This product was labeled as containing 200 A. O. A. C. chick units of vitamin D per gram, whereas it contained not more than 135 such units of vitamin D per gram.

On October 9, 1939, the United States attorney for the District of Minnesota filed a libel against four 30-gallon drums of cod liver oil at Waseca, Minn.,

[1] See also N. J. Nos. 96 (Booth's Camphorated Oil and Carbolic Salve), 115, and 123.

alleging that the article had been shipped in interstate commerce on or about July 18, 1939, by the Consumers Import Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Deluxe 200 U. S. P. Non-destearinated Cod Liver Oil."

It was alleged to be adulterated in that its strength differed from and its purity fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that the representation on the drum that it had a guaranteed potency per gram of 200 A. O. A. C. units of vitamin D, was false and misleading as applied to an article containing less than that number of chick units of vitamin D per gram.

On January 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

84. Adulteration of Hydeeoyl. U. S. v. 20 Drums of Hydeeoyl. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 350. Sample No. 45777–D.)

This product was represented to contain 85 U. S. P. units of vitamin D per gram, whereas it contained not more than 50 such units per gram.

On August 12, 1939, the United States attorney for the Northern District of Illinois filed a libel against 20 drums of Hydeeoyl at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 31, 1938, by the Industrial Oil Products Corporation from Los Angeles, Calif.; and charging that it was adulterated in that its strength differed from and its quality fell below that which it purported or was represented to possess, namely, not less than 85 U. S. P. units per gram. It was labeled in part: (Drum) "Murray Oil Products Company * * * Hydeeoyl."

On January 12, 1940, A. C. Trask Co., a corporation, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.

85. Misbranding of Old Man Frantz Mountain Tonic. U. S. v. 36 Bottles of Old Man Frantz Mountain Tonic. Default decree of condemnation and destruction. (F. D. C. No. 1201. Sample No. 78890–D.)

The labeling of this product bore false and misleading representations regarding its content of vitamin A, and its efficacy in the conditions indicated hereinafter.

On December 16, 1939, the United States attorney for the Northern District of Ohio filed a libel against 36 bottles of the above-named product at East Liverpool, Ohio, alleging that the article had been shipped in interstate commerce on or about November 17, 1939, by Old Man Frantz from Pittsburgh, Pa.; and charging that it was misbranded.

Biological tests showed that each fluid ounce contained 178 U. S. P. units of vitamin A, 400 International Units of vitamin B_1, 334 International Units of vitamin C, and not more than 251 U. S. P. units of vitamin D.

The article was alleged to be misbranded in that its labeling bore representations that it contained vitamin A and directions that it should be taken in dosages of 1 ounce each day for normal persons, or 2 ounces each day for those who require an extra amount of vitamins, which were false and misleading since the article, if taken in accordance with the directions, would not provide a significant amount of vitamin A. It was alleged to be misbranded further in that its labeling bore representations that it was efficacious to increase pep, vim, vigor, and vitality; that it "would build up"; that it was efficacious for "that run-down feeling," nervousness, lack of appetite, lack of vigor and ambition; that it was a vitamin tonic; would aid in maintaining resistance to infections; that it was efficacious for lack of vigor, poor appetite, dry skin, diarrhea, poor teeth, sterility and weakness; would stimulate the appetite and aid digestion and assimilation; that it was efficacious for digestive disturbances, poor assimilation, poor lactation, atrophy of glands, gastric atony, head retraction; that it would improve appetite and stimulate the growth essential to tissue respiration and glandular functions; that it was efficacious for headache, low fertility, failure of male germ cells to develop; that it was antipellagric; would improve growth, promote health, prolong the active life span; was essential in the nerve tissues; that it was efficacious for dermatitis, breakdown of central nervous system, cataract (riboflavin factor) loss of hair, ulceration of tongue, loss in body weight of intestines and atony, which representations were false and misleading since the article was not efficacious for the purposes recommended.

On January 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

86. Adulteration and misbranding of Halibut Liver Oil Plain. U. S. v. 22 Pounds of Halibut Liver Oil Plain. Default decree of condemnation and destruction. (F. D. C. No. 1302. Sample No. 89303–D.)

This product was represented to consist of plain halibut liver oil, whereas it was found to contain a material proportion of another fish liver oil.

On January 9, 1940, the United States attorney for the Northern District of Illinois filed a libel against 22 pounds of halibut liver oil plain at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 10, 1939, by International Vitamin Corporation from New York, N. Y.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that another fish-liver oil had been substituted wholly or in part for plain halibut-liver oil.

It was alleged to be misbranded in that the statement on the container, "I. V. C. H. L. O. Plain," was false and misleading, since the article did not consist of halibut-liver oil plain. It was alleged to be misbranded further in that it was offered for sale under the name of another drug.

On February 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

87. Adulteration of tincture of digitalis; and adulteration and misbranding of Digitol. U. S. v. 9 Bottles of Tincture Digitalis and 11 Dozen Bottles of Digitol. Default decrees of condemnation and destruction. (F. D. C. Nos. 1114, 1115. Sample Nos. 69860–D, 69862–D.)

The tincture of digitalis possessed a potency of two-thirds of the requirement of the United States Pharmacopoeia for tincture of digitalis. The Digitol was represented in its labeling as possessing a potency equivalent to tincture of digitalis of U. S. P. strength, whereas it possessed but two-fifths of such potency.

On December 1, 1939, the United States attorney for the District of New Jersey filed libels against 9 bottles of tincture of digitalis and 11 dozen bottles of Digitol at Trenton, N. J., alleging that the articles had been shipped in interstate commerce by Sharp & Dohme, Inc., from Philadelphia, Pa., on or about May 25 and June 13, 1939; and charging that they were adulterated and that the Digitol was also misbranded. They were labeled in part: "Tincture Digitalis U. S. P. XI"; or "Digitol Mulford Tincture Digitalis (Fat-Free) U. S. P. Strength."

The tincture of digitalis was alleged to be adulterated in that it purported to be and was represented as a drug, the name of which is recognized in the United States Pharmacopoeia, but its strength differed from the standard set forth in such compendium since its potency was only two-thirds of that specified by the pharmacopoeia.

The Digitol was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess. It was alleged to be misbranded in that representations on the bottle label and carton that it consisted of fat-free tincture of digitalis, U. S. P. strength, and that it was a fat-free tincture of digitalis standardized biologically by the method described in the pharmacopoeia, were false and misleading when applied to an article which possessed a potency of only two-fifths of that specified by the United States Pharmacopoeia for tincture of digitalis.

On December 29, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

88. Adulteration and misbranding of tincture of digitalis. U. S. v. 93 and 31 Bottles of Tincture of Digitalis. Default decree of condemnation and destruction. (F. D. C. Nos. 1135, 1136. Sample Nos. 75553–D, 75554–D.)

This product fell below the pharmacopoeial standard, one lot possessing a potency of 51 percent and the other, 55 percent of that required by the United States Pharmacopoeia for tincture of digitalis.

On December 7, 1939, the United States attorney for the Southern District of Ohio filed libels against 124 bottles of tincture of digitalis at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 16 and October 23, 1939, by Upsher Smith Co., Minneapolis, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Tincture Digitalis * * * U. S. Pharmacopoeia Strength."

It was alleged to be adulterated in that it purported to be and was represented as a drug, the name of which is recognized in the U. S. Pharmacopoeia, and its strength differed from and its quality fell below the standard set forth in that compendium in that its potency was materially less than that required by that authority.

It was alleged to be misbranded in that representations in the labeling that it consisted of tincture of digitalis which complied with the requirements of the United States Pharmacopoeia, eleventh edition; that it had been standardized biologically by the pharmacopoeial method to a potency of 1 U. S. P. unit in 1 cc., within the official limits of variance; that its strength had been unchanged since 1931, when the producer had adopted the International Unit, identical with the U. S. P. unit; and that it might be dispensed on prescriptions calling for tincture digitalis U. S. P., were false and misleading as applied to the article which possessed a potency materially less than that specified by the pharmacopoeia.

On January 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was destroyed.

89. Adulteration of tincture of digitalis. U. S. v. 3 Bottles of Tincture Digitalis. Default decree of condemnation and destruction. (F. D. C. No. 1110. Sample No. 78816-D.)

The potency of this product was approximately one-half of that specified by the United States Pharmacopoeia for tincture of digitalis.

On November 29, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against 3 bottles of tincture of digitalis, alleging that the article had been shipped in interstate commerce on or about August 23, 1939, by R. J. Strasenburgh Co. from Rochester, N. Y.; and charging that it was adulterated. It was labeled in part: "Tincture Digitalis U. S. P."

It was alleged to be adulterated in that it purported to be and was represented as a drug, the name of which is recognized in the United States Pharmacopoeia, namely, tincture of digitalis, and its strength differed from the standard set forth in said compendium in that its potency was only one-half of that specified by the United States Pharmacopoeia.

On December 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

90. Adulteration and misbranding of Black and White Ointment. U. S. v. 138 Packages of Black and White Ointment. Default decree of condemnation and destruction. (F. D. C. No. 424. Sample No. 45584-D.)

This product contained a smaller amount of red mercuric oxide than that declared on its label. Its label also bore false and misleading representations regarding its medicinal properties as shown hereinafter. Furthermore, its containers were deceptive in that the immediate container, a tin box, had a false bottom occupying about two-thirds of its total space and this box was placed in a carton of much larger size.

On August 17, 1939, the United States attorney for the Northern District of Georgia filed a libel against 138 packages of Black and White Ointment at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 20, 1939, by the Plough Sales Corporation from Memphis, Tenn.; and charging that it was adulterated and misbranded.

Analysis showed that it contained not more than 8.05 percent of red mercuric oxide.

Adulteration was alleged in that the strength of the article differed from that which it purported and was represented to possess, namely, that it contained 10 percent red mercuric oxide.

It was alleged to be misbranded in that its container was so made, formed, and filled as to be misleading. It was alleged to be misbranded further in that statements in the labeling represented that it was efficacious in relieving the discomfort of itching, soreness, and burning accompanying ringworm, psoriasis, and eczema (of external origin) and as a dressing in acne pimples of external origin; as a local palliative for dressing acne pimples and as an aid in relieving the discomfort of itching, burning, and soreness due to or associated with eczema and simple ringworm and efficacious to retard the growth and spread of bacteria, to stimulate cellular activity, and to promote healing; that its use should be governed by the thinness or sensitiveness of the skin; that it was a local antiseptic palliative; that it was an efficacious dressing to soften crusts and relieve discomfort; that it was efficacious as an aid in removing the scales and as a grateful relief for relieving the itching of

psoriasis, which representations were false and misleading since the article was not efficacious for the purposes recommended.

On October 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

91. Adulteration and misbranding of ether. U. S. v. 350 Cans of Ether. Default decree of condemnation and destruction. (F. D. C. No. 266. Sample No. 54567–D.)

This drug had been shipped in interstate commerce and was in interstate commerce when examined; and at that time 12 of the 20 cans examined were found to contain peroxide, aldehydes, and ketones.

On July 7, 1939, the United States attorney for the Eastern District of Michigan filed a libel against 350 cans of ether at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about September 5, 1936, by Mallinckrodt Chemical Works from St. Louis, Mo.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it was sold under a name recognized in an official compendium, the United States Pharmacopoeia, and its strength differed from or its quality fell below the standard set forth in such compendium in that it contained peroxide, aldehydes, and ketones.

It was alleged to be misbranded in that the representation on the label that it conformed to all requirements of the Eleventh Edition of the United States Pharmacopoeia was false and misleading.

On August 9, 1939, no claimant having appeared, judgment of condemnation was entered, and the product was ordered destroyed.

92. Adulteration and misbranding of Messina Effervescente Granulare. U. S. v. 23 Cases of Messina Effervescente Granulare. Default decree of condemnation and destruction. (F. D. C. No. 828. Sample No. 51950–D.)

It was represented in the labeling of this product that it had been "prepared with sugar, sodium bicarbonate, tartaric acid, citric acid, and oil of lemon." It contained, however, borax in addition to said substances.

On October 27, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 23 cases of Messina Effervescente Granulare at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 28 and August 21, 1939, by the Drew Corporation from Brooklyn, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated under the provisions of the law applicable to drugs in that its strength differed from or its purity or quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that the representations in the labeling that it had been prepared with sugar, sodium bicarbonate, tartaric acid, citric acid, and oil of lemon, were false and misleading as applied to an article that contained borax.

It also was alleged to be adulterated under the provisions of the law applicable to foods, reported in F. N. J. No. 153.

On November 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

93. Misbranding of Ma-El-Ra-Tone Herb Compound. U. S. v. 8 Cases of Ma-El-Ra-Tone Herb Compound. Default decree of condemnation and destruction. (F. D. C. No. 1053. Sample Nos. 73043–D, 73044–D.)

This product was labeled to indicate that it consisted entirely of herbs and other vegetable substances; whereas it contained a material proportion of magnesium sulfate (Epsom salt), a mineral substance. Moreover, its containers were deceptive since their contents occupied only approximately one-third of the volume of the package.

On November 22, 1939, the United States attorney for the Northern District of California filed a libel against eight cases of Ma-El-Ra-Tone at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 26, 27, and 31, 1939, by the General Products Laboratories from Columbus, Ohio; and charging that it was misbranded.

It was alleged to be misbranded in that its labeling bore representations that it consisted of herbs, was an herb compound, that it was a preparation of herbs, roots, barks, leaves, and blossoms—products of the vegetable kingdom—gathered in various parts of this country as well as foreign countries, gathered at the proper time of the year, properly aged, skillfully treated, and combined, which representations were false and misleading since the article contained

a material proportion of magnesium sulfate. It was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading.

On December 22, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

94. Adulteration and misbranding of quinine sulfate. U. S. v. 324 Bottles of Quinine Sulfate. Default decree of condemnation and destruction. (F. D. C. No. 545. Sample No. 65806-D.)

The strength, quality, and purity of this product differed from that which it purported to possess. Furthermore, its containers were deceptive, since their contents occupied less than one-half the capacity of the bottle.

On September 6, 1939, the United States attorney for the Southern District of Georgia filed a libel against 324 bottles of quinine sulfate at Waycross, Ga., alleging that the article had been shipped in interstate commerce on or about July 13, 1939, by Davis Manufacturing Co., Inc., from Knoxville, Tenn.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that the article purported to be and was represented as a drug, the name of which is recognized in the official United States Pharmacopoeia, namely, quinine sulfate, with 10 percent more water than that set forth in the standard for said drug, and in that its strength differed from and its quality and purity fell below that which it purported or was represented to possess.

Misbranding was alleged in that the statement on the label, "Quinine Sulphate U. S. P. X Contains 10% more water than U. S. P. XI," was false and misleading, since the article did not conform to the U. S. P. X requirement for quinine sulfate, and did not contain 10 percent more water than the U. S. P. XI quinine sulfate. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On October 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUG SEIZED BECAUSE OF CONTAMINATION WITH FILTH

95. Adulteration and misbranding of Cotec. U. S. v. 9 Packages of Cotec. Default decree of condemnation and destruction. (F. D. C. No. 1211. Sample No. 73892-D.)

This product was adulterated because it consisted in part of filth, and was misbranded because of false and misleading representations regarding its efficacy in the conditions mentioned hereinafter.

On December 21, 1939, the United States attorney for the District of New Hampshire filed a libel against nine packages of Cotec at Concord, N. H., alleging that the article had been shipped in interstate commerce on or about November 22, 1939, by the Cotec Co. from Lynn, Mass.; and charging that it was adulterated and misbranded.

Analysis showed that the article consisted essentially of fat and excrement.

Adulteration was alleged in that the article consisted in part of a filthy substance.

It was alleged to be misbranded in that its labeling bore representations that it was an efficacious preparation for all kinds of piles including blind, bleeding, itching, internal, and external piles; that it was a treatment that relieved by absorption all inflammation of the lower bowel; that it would relieve such condition without an operation or detention from business; that it was one of the most popular and valuable of all pile treatments; that it would reduce all congestion and swelling, and heal all sores, ulcers, and irritated parts immediately; that it would heal while one slept; that it was an efficacious preparation for pile tumors; that it would be an efficacious preparation for the symptoms of the disease (piles) among which are a kind of tenesmus, a bearing-down sensation, heat, tension, and throbbing of the part varying from a moderate degree of the sensations to the most excruciating suffering; that it would be an efficacious preparation for prolapsus or falling of the bowels and for various attendant symptoms of piles such as nervous pains, pain and weakness in the back, irritation of the kidneys and bladder, and other organs of the vicinity, pain and numbness in the legs and feet, a sense of straitness about the chest, unnatural fullness of the abdominal viscera, accompanied by palpitation and oppression of the heart, great derangement of the circulation, sense of weight and pressure in the abdomen with peculiar feeling of uneasiness in the bowels, sensation of bearing down in the rectum and perineum, pain in the back and loins, nausea, slight pain in the stomach, scanty and high-

colored urine, pale countenance, confused sensation in the head, weariness and irritable and discontented state of mind, sense of fullness and oppression in the region of the stomach, feeble circulation on the surface; that it was efficacious from the simplest first symptoms to the most aggravated type of the disease; that it should be used in conjunction with Cotec Laxative Pills to prevent a return of piles; that if used regularly it would effect a cure; that it would cure quickly and permanently; that it was the best pile remedy, which representations were false and misleading since the article was not an adequate treatment for the conditions mentioned in the labeling but was a filthy mixture unfit for medicinal use.

On January 24, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS LABELED WITH FALSE AND MISLEADING THERAPEUTIC CLAIMS [2]

96. Misbranding of Booth's Mentholated Cough Drops, Cough and Cold Remedy, La Grippe & Cold Tablets, Liniment, and Liver Pills; and adulteration and misbranding of Booth's Camphorated Oil and Carbolic Salve. U. S. v. 1,128 Boxes of Mentholated Cough Drops, et al. Default decree of condemnation and destruction. (F. D. C. Nos. 466 to 473, incl. Sample Nos. 53819–D to 53826–D, incl.)

The labeling of these products bore false and misleading representations regarding their medicinal properties as shown hereinafter. The Camphorated Oil did not conform to the standard prescribed for such product in the United States Pharmacopoeia, and the carbolic salve contained a smaller proportion of carbolic acid than that declared on the label. The liniment contained alcohol, which was not declared on the label.

On August 23, 1939, the United States attorney for the Western District of Michigan filed a libel against 1,128 boxes of mentholated cough drops, 168 bottles of camphorated oil, 114 bottles of cough and cold remedy, 264 boxes of la grippe and cold tablets, 426 tins of carbolic salve, 80 bottles of liniment, and 108 packages of liver pills at Harbor Springs, Mich., consigned by J. F. Booth, alleging that the articles had been shipped in interstate commerce on or about March 13 and June 21, 1939, from Springfield, Ill.; and charging that they were misbranded and that the camphorated oil and carbolic salve were also adulterated.

Analyses showed that the Mentholated Cough Drops were sugar lozenges flavored with menthol. The article was alleged to be misbranded in that statements in the labeling representing that one of the drops put into the mouth before going to bed would cause the patient to enjoy a comfortable night's sleep; that it was excellent for coughs, colds, hoarseness, etc.; that persons troubled with coughs, hoarseness, sore throat, etc., would find immediate relief by using the product, were false and misleading as applied to sugar lozenges flavored with menthol.

Analyses showed that one shipment of the Camphorated Oil contained not more than 12.6 percent of camphor and that the other shipment contained not more than 9.8 percent of camphor. It was alleged to be adulterated in that it was represented as a drug, the name of which is recognized in the United States Pharmacopoeia but its strength differed from the standard set forth in that compendium since the pharmacopoeia provides that camphorated oil shall contain not less than 19 percent of camphor. It was alleged to be misbranded in that the representations in the labeling of one lot that it was efficacious as an anodyne embrocation in rheumatic affection of the joints, and in the labeling of the second lot that it was useful in rheumatism, pains, and swellings of the breasts or joints and in colds on the chest, were false and misleading in that the article was not efficacious for the purposes recommended.

Analyses of the Cough and Cold Remedy showed that it consisted essentially of small proportions of extracts of plant material, ammonium chloride, and menthol, and sugar, alcohol and water. It was alleged to be misbranded in that statements in the labeling representing that it was a cough and cold remedy and was efficacious for recent chronic coughs, consumption, hoarseness, bronchitis, loss of voice and all inflamed conditions of the lungs and bronchial tubes, were false and misleading, since the article was not efficacious for the purposes recommended.

Analyses showed that the La Grippe & Cold Tablets contained acetanilid (1 grain per tablet), a small proportion of salol, a quinone compound, a bromide,

[2] See also N. J. Nos. 80, 85, 90, and 95.

capsicum, calcium carbonate, and starch. The article was alleged to be misbranded in that statements in the labeling representing that it was the best remedy for la grippe and was efficacious to arouse the liver and the secretions to perfect action, were false and misleading since it was not efficacious for the purposes recommended.

Analyses of the Carbolic Salve showed that it contained 2.9 percent of carbolic acid. It was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess since it was labeled "Contains 5% Carbolic Acid." It was alleged to be misbranded in that representations in the labeling that it was efficacious for ulcers, salt rheum, tetter, boils, piles, felons, etc., sores, and cold sores, were false and misleading since it was not efficacious for such purposes.

Analyses of the Liniment showed that it consisted essentially of volatile oils (including oil of peppermint, oil of mustard, and methyl salicylate), alcohol (36.1 percent by volume), and chloroform (10.8 percent). It was alleged to be misbranded in that statements in the labeling representing that it was efficacious in rheumatism, gout, lameness, weak joints, backache, sore lungs, etc., that it was efficacious in removing pain and taking out inflammation and could not be beaten for chronic rheumatism, were false and misleading since the article was not efficacious for the purposes recommended. It was alleged to be misbranded further in that its label failed to bear a declaration of the quantity, kind, and proportion of alcohol that it contained.

Analyses of the Liver Pills showed that they contained extracts of plant drugs including capsicum, nux vomica, and a laxative drug. The article was alleged to be misbranded in that statements in the labeling representing that it was efficacious for headache, dizziness, torpid liver, biliousness, dyspepsia, etc., were false and misleading since it was not efficacious for the purposes recommended.

On September 8, 1939, Jacob F. Booth, Harbor Springs, Mich., having authorized and requested that the products be destroyed, judgment of condemnation and destruction was entered.

97. Misbranding of Dormalgin. U. S. v. 100 Packages and 450 Packages of Dormalgin. Default decree of condemnation and destruction. (F. D. C. No. 275. Sample No. 67359–D.)

This product contained butyl-bromallylbarbituric acid and aminopyrine. It was labeled to indicate that it was an appropriate and harmless medicament, whereas it was a dangerous drug. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On or about July 10, 1939, the United States attorney for the District of Connecticut filed a libel against 100 packages, each containing 10 tablets, and 450 packages, each containing 5 tablets of Dormalgin, at Darien, Conn., alleging that the article had been shipped in interstate commerce on or about December 10, 1935, by Lawson M. Luth from Geneva, N. Y.; and charging that it was misbranded.

It was alleged to be misbranded in that representations in the labeling that it had been submitted to the most severe laboratory and clinical tests; that the most rigid research examinations had been conducted by prominent clinics and medical men in private practice; that its effectiveness and harmlessness had been repeatedly emphasized by physicians qualified to judge such a preparation; that it vanished with the pain leaving no after effects; that it was completely split up when it had finished its appointed work; that it was burned up in the body leaving no disagreeable after effects such as benumbed head, lassitude, fatigue, or drowsiness; that it was an effective and nonpoisonous analgesic free from cumulative, concurrent, and after effects and was indicated for all painful diseases; that there was no danger of habit forming as is the case with alkaloids containing analgesics; that it would agree with patients even in large doses and had the advantage of being free from hypnotic concurrent and after effects; that experiments had proved its harmlessness; that it would not produce the slightest detrimental effect on heart and kidneys even when administered in large doses; that it had been developed by a concern which enjoys an international reputation as a manufacturer of the highest grade pharmaceuticals and which maintained a pharmaceutical laboratory world famous for its products; that many preparations are on the market to relieve pain but many are ineffective and many of these which will relieve pain are actually harmful, in that they contain narcotics and other dangerous habit-forming drugs or ingredients which affect the heart and kidneys and that even preparations with salicylic acid as a base, such as aspirin, are not easily tolerated by a large group of people, but that the Dormalgin contained no habit-

forming or harmful drugs; which representations were false and misleading in that they created the impression that the article was an appropriate and harmless medicament for the conditions mentioned therein; whereas it was not such an appropriate and harmless medicament but was a dangerous drug.

It was alleged to be misbranded further in that its labeling bore representations that it was efficacious for the relief of toothache, sciatica, neuritis, rheumatism, lumbago, gout, painful menstruation, that it was indicated for all painful diseases and was a valuable nerve tonic and bore directions that in the treatment of painful menstruation one tablet should be taken and repeated after 3 hours; that in the treatment of rheumatism, gout, and lumbago one tablet should be taken morning and night and doubled if the case was severe; and in the treatment of toothache 2 tablets should be taken and that if not relieved one more should be taken after 3 hours; which representations and directions were false and misleading in that the article was not efficacious for the purposes recommended.

On November 17, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

98. Misbranding of Saurinol. U. S. v. 5 Bottles of Saurinol. Default decree of condemnation and destruction. (F. D. C. No. 269. Sample No. 56160–D.)

The labeling of this product bore false and misleading representations regarding its efficacy as a relief from sinus, hay fever, exposed cancer, varicose veins, pyorrhea, trench mouth, laceration, ulcers, and skin diseases.

On July 7, 1939, the United States attorney for the Northern District of California filed a libel against five bottles of Saurinol at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about June 22, 1939, by Saurinol Distributors Corporation; and charging that it was misbranded for the reasons stated above.

Analysis showed that the article consisted essentially of medium boiling petroleum oil.

On November 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

99. Misbranding of VG–341. U. S. v. 39 Jars of VG–341. Default decree of condemnation and destruction. (F. D. C. No. 898. Sample Nos. 55995–D, 55996–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On November 13, 1939, the United States attorney for the Northern District of Illinois filed a libel against 39 jars of VG–341 at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 14, 1939, by O. E. Henspeter from Vining, Minn.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of sodium hydroxide (94 percent), sodium carbonate (3½ percent), and a trace of potassium carbonate.

The article was alleged to be misbranded in that its labeling bore representations that it was efficacious as a vapor gas treatment for hemorrhoids or piles and bore directions for its use, namely, that a toilet jar or bucket should be secured; that 5 inches of steaming, boiling hot water should be placed therein; that the jar or bucket should be tall enough so that the body would be at least 8 inches above boiling water; that the user after removing garments should sit on the jar or bucket, first making certain that vapor and gases do not escape by placing a towel around rim of vessel; that the cork should be removed from a vial and vial and contents dropped in vessel; that the user should remain sitting for 10 minutes and should then lie down and rest for at least 2 hours after treatment; that the second vial or treatment should be taken three nights after the first, and that the third should be taken three nights after the second; that a dilator should be used in case of internal piles; that the one vial usually relieved, but that the quickness of relief depended entirely upon one's physical condition and "acceptability to this type of treatment," and that after the use of the second or third vial and one finds pronounced allayment, comfort, and improvement in one's condition, that the treatment should be continued for complete relief and normal action, which representations were false and misleading, since the article was not efficacious for the purposes recommended.

On December 12, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

100. Misbranding of Myasthene Tablets. U. S. v. 102 Bottles of Myasthene Tablets. Default decree of condemnation and destruction. (F. D. C. No. 660. Sample Nos. 47734–D, 47735–D, 47736–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On September 29, 1939, the United States attorney for the District of Columbia filed a libel against 102 bottles of Myasthene Tablets at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about September 2, 1939, by the Medicinal Specialties Co. from New York, N. Y.; and charging that it was misbranded.

Analysis showed that the tablets each contained 7.2 grains of aminoacetic acid (glycocoll).

The article was alleged to be misbranded in that its labeling bore representations that it was efficacious for "that tired feeling"; that it consisted of glycocoll, an unusually effective compound for increasing the energy and vigor of the tired individual; that it was intended especially for chronic tiredness and easy fatigability known as myasthenia mitis which translated means "mild muscular weakness"; that phospho-creatine must be present in sufficient quantity in the muscles in order to provide energy for muscular action and that if it is deficient in quantity the amount of work or energy is below par, there is lack of physical vigor, energy, stamina, endurance, and of a normal capacity to work and enjoy life in the fullest; that the article would increase the amount of phosphocreatine in muscles and by doing so would increase the amount of effort which a person could exert by as much as 200 percent or more; that it would be valuable in other bothersome conditions such as underweight or weight loss in children, loss of appetite and certain types of nervousness; that its value had been proved by research workers, clinical tests, and famous physicians, which representations and others of like import in the labeling, together with a design of a tired girl and a contrasting figure of a vivacious girl, also of a tired man and a contrasting figure of an energetic man, with accompanying representations that the article had produced the improvement, were false and misleading in that the article was not efficacious for the purposes recommended.

On November 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS SOLD FOR BOTH HUMAN AND VETERINARY USE

101. Misbranding of Seeley's Spook Oil Linament. U. S. v. 22 Bottles of Seeley's Spook Oil Linament. Default decree of condemnation and destruction. (F. D. C. No. 662. Sample No. 70609–D.)

The labeling of this product bore representations that it was efficacious in the treatment of human beings for tick bites, piles, colds, toothache, sunburn, scalds, sore throat, fire burns, flu, earache, cuts, mashed toe or finger, sore joints or rheumatic pains, and dandruff; that it was efficacious in the treatment of horses for all external ailments, wire cuts, sore joints, and nail holes; that it was efficacious "to heal a burn fast"; and that it would not allow a scab to form and therefore would leave no scar.

On October 3, 1939, the United States attorney for the District of Nebraska filed a libel against 22 bottles of Seeley's Spook Oil Linament at Gibbon, Nebr., alleging that the article had been shipped in interstate commerce on or about September 15, 1939, by G. A. Seeley from Louisville, Colo.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of turpentine oil (50 percent), methyl salicylate (2 percent), copper acetate (0.2 percent), and a fatty oil.

It was alleged to be misbranded in that the representations in the labeling referred to above were false and misleading since they represented that it was efficacious for the purposes recommended; whereas it was not efficacious for such purposes.

On December 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

102. Misbranding of Yucca-Balm. U. S. v. 118 Cans of Yucca-Balm. Default decree of condemnation and destruction. (F. D. C. No. 685. Sample No. 70619–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On October 7, 1939, the United States attorney for the District of Colorado filed a libel against 118 cans of Yucca-Balm at Denver, Colo., consigned by Geo. Bell Co. (Yucca Balm Co.), alleging that the article had been shipped in interstate commerce on or about August 14, 1939, from Ogden, Utah; and charging that it was misbranded.

Analysis showed that the article consisted essentially of soft soap and cresol (0.30 percent).

The article was alleged to be misbranded in that its labeling contained representations that it was efficacious in the treatment of animals for cowpox, garget, spider, caked bag in dairy cows, bluebag in sheep, scours in calves, sprains, sores, and infections; that it was efficacious for the relief of sore feet, dandruff of human beings, and was valuable for the relief of human aches, pains, and swellings; that the ingredients conformed to the standards of the United States Pharmacopoeia and of the Federal Food, Drug, and Cosmetic Act, and were harmless to humans and animals, which representations were false and misleading since the article was not efficacious for the purposes recommended.

On October 23, 1939, the Geo. Bell Co. having signed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the product was ordered destroyed.

VETERINARY REMEDIES

103. Misbranding of Peacock's Garlic for Health and Peacock's Pure Garlic Extract. U. S. v. 9½ Dozen Bottles of Peacock's Garlic for Health, and 9 Dozen Bottles of Peacock's Pure Garlic Extract. Default decree of condemnation and destruction. (F. D. C. No. 1280, 1281. Sample Nos. 51987–D, 51988–D.)

The labeling of these products bore false and misleading representations regarding their efficacy in the conditions set forth below.

On January 2, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 18½ dozen bottles of the above-named products at Philadelphia, Pa., alleging that they had been shipped in interstate commerce on or about March 25 and on May 16, 1939, from Evanston, Ill., by New England Products, Inc.; and charging that they were misbranded.

Analyses showed that both products consisted essentially of water, sugar, salt, and 0.84 percent of garlic oil.

The product designated "Garlic for Health" was alleged to be misbranded in that its labeling bore respresentations that it was an efficacious, safe remedy for dogs, cats, foxes, etc., that it was a mild vermifuge, that treatment should be continued until worms were expelled, that it would keep dogs in good health and condition, and free from worms, that it was a protective food with great medicinal value, that it was effective in treating cases of worms, constipation, run-down condition, poor appetite, and skin ailments, that it would cleanse the intestinal tract by stimulating gastric secretions and promoting intestinal action, that its regular use would help maintain the digestive organs in a healthy condition, that it would add life and luster to the dog's coat, and help keep him free from eczema and other skin disorders, that its use by fur farms would cause the production of superior pelts, that it would relieve nervous tension in high-strung dogs, build up resistance, thus enabling pets to withstand exposure, and would help avoid coughs, colds, pneumonia, and other respiratory infections, that it would have a detoxifying effect and act as a soothing and healing agent on the intestinal tract, that two or three capsules a day for 2 days would act as a mild vermifuge after which one capsule daily would act as a conditioner and preventive of worms, giving the dog a strong constitution and cut down mortality among puppies tremendously, which representations were false and misleading, since the article was not efficacious for such purposes.

The product designated "Garlic Extract" was alleged to be misbranded in that its labeling bore representations that it consisted of pure garlic extract, was nature's safe remedy for dogs, cats, foxes, etc., was a mild vermifuge, that treatments should be continued until worms were expelled, and that one-half the amount indicated for treatment for worms, if given daily, would keep the dog in good condition and free from worms, that it was unsurpassed as a general conditioner, which representations were false and misleading since the article was not efficacious for such purposes.

On February 3, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

104. Misbranding of K-K Kold Kill and K-K Konker. U. S. v. 10 Jugs of K-K Kold Kill and 10 Jugs of K-K Konker. Default decrees of condemnation and destruction. (F. D. C. Nos. 310, 311. Sample Nos. 41341–D, 41342–D.)

The labeling of these products bore false and misleading representations regarding their efficacy in the conditions indicated hereinafter.

On August 2, 1939, the United States attorney for the District of Utah filed libels against 10 jugs of K-K Kold Kill and 10 jugs of K-K Konker at Ogden, Utah, alleging that the articles had been shipped in interstate commerce on or about June 2, 1939, by Overpach Hatchery [Overpack's Hatchery] from San Leandro, Calif.; and charging that they were misbranded.

Analyses showed that the Kold Kill consisted essentially of small proportions of compounds of copper and iron, sulfuric and citric acid, and water; and that the Konker consisted essentially of acetic acid, lactic acid, a small proportion of mineral matter, and water.

The Kold Kill was alleged to be misbranded in that the labeling contained representations that it was an effective preparation for colds, bronchitis, chickenpox, and roup; that 1 teaspoonful should be used to each gallon of drinking water, that this should be kept in front of the birds continually until colds were dried up, and that in severe cases 1½ teaspoonsful should be used to each gallon of drinking water, which representations were false and misleading since the article was not efficacious for the purposes recommended.

The Konker was alleged to be misbranded in that its labeling contained representations that it was efficacious as an adjunct in the treatment of coccidiosis infection in baby chicks and as a treatment to check or control intestinal infection in chicks, pullets, and mature birds; that it would assist in inducing a resistance to coccidiosis infection by producing conditions in the intestines that are beneficial to the health of the birds and detrimental to intestinal parasites; that it was effective as a general conditioner; would stimulate the appetite and bring about better food assimilation; that the baby chicks should be started with Konker when they were 3 or 4 days old in order to check and control coccidiosis infection; that if chicks showed symptoms of coccidiosis infection before treatment or during treatment they should be flushed mildly with Epsom salts for 1 day and then put on a double dose of Konker; that in case of recurrent attacks a double dose should be used each time the attack appears and that in severe cases it should be used for any length of time necessary or until the birds were normal, which statements were false and misleading in that the article was not efficacious for the purposes recommended.

On November 6, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

105. Misbranding of Moorman's Poultry Worm Sweep. U. S. v. 5 Bottles, et al. of Moorman's Poultry Worm Sweep. Default decree of condemnation and destruction. (F. D. C. No. 687. Sample No. 40888–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On October 7, 1939, the United States attorney for the District of Colorado filed a libel against 5 half-pint bottles, 1 pint bottle, 5 quart bottles, and 8 half-gallon bottles of Moorman's Poultry Worm Sweep at Denver, Colo., consigned by Moorman Manufacturing Co., from Quincy, Ill., alleging that the article had been shipped in interstate commerce on or about June 27, 1938; and charging that it was misbranded.

Analysis showed that it consisted essentially of a water solution of nicotine sulfate (4.7 percent) and copper sulfate (6.7 percent), with small amounts of arsenic and chlorides.

It was alleged to be misbranded in that its labeling contained representations that it was efficacious for roundworms and ceca worms; that in the case of roundworms the poultry would begin to pass worms in 4 hours after treatment, and would probably continue to do so for 3 days; that although at least 75 percent of all poultry have some ceca worms, the manufacturer did not recommend giving the treatment except in cases of unusually heavy infestation; that in treating for ceca worms the user should wait for 5 to 10 days after treatment for roundworms, and then give the treatment; that the treatment should not be given to turkeys weighing less than 2 to 2½ pounds; that the dose for turkeys for mouth treatment was as follows: 2½ to 4 pounds, ⅛ ounce; 4 to 8 pounds, ⅜ ounce; and 8 pounds, ½ ounce; and that for each

additional 8 pounds the dose should be increased ½ ounce; that in the vent treatment for turkeys there should be at least 10 days between the 2 treatments, and that the 10 to 1 solution should be used but that one-third as much as recommended in the table should be given; and that the article was a safe as well as a sure worm expeller, which representations were false and misleading since the article was not efficacious for the purposes recommended.

On December 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS IN DECEPTIVE CONTAINERS[3]

106. Misbranding of quinine sulfate. U. S. v. 8 Dozen Bottles of Quinine Sulfate. Default decree of condemnation and destruction. (F. D. C. No. 630. Sample No. 65983–D.)

The containers of this product were deceptive, since the contents occupied approximately one-half of the available space in the bottle. Moreover, the bottles contained less than one-thirtieth of an ounce, the amount declared on the label.

On or about October 2, 1939, the United States attorney for the Northern District of Florida filed a libel against 8 dozen bottles of quinine sulfate at Tallahassee, Fla., alleging that the product had been shipped in interstate commerce on or about August 28, 1939, by South Georgia Manufacturing Co. from Blakely, Ga.; and charging that it was misbranded.

Misbranding was alleged in that the statement on the label, "1/30 of an ounce," was false and misleading when applied to an article that was short weight. It was alleged to be misbranded further in that its container was so filled as to be misleading.

On December 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

107. Misbranding of salicylic acid. U. S. v. 324 Packages of Salicylic Acid. Default decree of condemnation and destruction. (F. D. C. No. 1059. Sample No. 75531–D.)

The containers of this product were filled to slightly less than half their capacity. Weighings of the contents showed shortages from the declared weight in most of the samples examined.

On December 1, 1939, the United States attorney for the Eastern District of Kentucky filed a libel against 324 packages of salicylic acid at Stanford, Ky., alleging that the article had been shipped in interstate commerce on or about August 17, 1939, by the Cumberland Manufacturing Co. from Nashville, Tenn.; and charging that it was misbranded.

It was alleged to be misbranded in that the representation on the labeling that the packages contained three-eighths of an ounce was false and misleading since it was not correct. It was alleged to be misbranded further in that its container was so filled as to be misleading.

On January 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

108. Misbranding of Eye-Gene Eye Drops. U. S. v. 82 Packages of Eye-Gene Eye Drops. Default decree of condemnation and destruction. (F. D. C. No. 975. Sample No. 47985–D.)

The bottles containing this product occupied only 33.17 percent of the capacity of the carton.

On November 14, 1939, the United States attorney for the District of Maryland filed a libel against 82 packages of Eye-Gene Eye Drops at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 29, 1939, by Pearson Pharmacal Co., Inc., from New York, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On December 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

109. Misbranding of Locorol. U. S. v. 23 Packages of Locorol. Default decree of condemnation. (F. D. C. No. 919. Sample No. 47982–D.)

The tubes containing this product occupied only 23.8 percent of the volume of the carton.

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[3] See also N. J. Nos. 90, 93, and 94.

On November 13, 1939, the United States attorney for the District of Maryland filed a libel against 23 packages of Locorol at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 9, 1939, by Peck & Sterba, Inc., from New York, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. It was labeled in part: "Locorol for Feminine Hygiene B-package without applicator."

On December 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

110. Misbranding of ephedrine jelly. U. S. v. 120 Packages of Ephedrine Jelly. Default decree of condemnation. Product delivered to charitable institution. (F. D. C. No. 914. Sample No. 68144–D.)

The tubes containing this product occupied approximately 20 percent of the capacity of the carton.

On November 10, 1939, the United States attorney for the Southern District of New York filed a libel against 120 packages of ephedrine jelly at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 9, 1939, by the Purity Drug Co. from Passaic, N. J.; and charging that it was misbranded in that the cartons were so made, formed, or filled as to be misleading.

On December 5, 1939, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution.

111. Misbranding of Refill Lanteen Jelly. U. S. v. 66 Packages of Refill Lanteen Jelly. Default decree of condemnation and destruction. (F. D. C. No. 977. Sample No. 47981–D.)

The tubes containing this product occupied only 26.8 percent of the total volume of the carton containers.

On November 14, 1939, the United States attorney for the District of Maryland filed a libel against 66 packages of Refill Lanteen Jelly at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 16, 1939, by Lanteen Medical Laboratories, Inc., from Chicago, Ill.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading.

On December 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

112. Misbranding of Neo-Synephrin Hydrochloride Jelly. U. S. v. 128 Packages of Neo-Synephrin Hydrochloride Jelly. Default decree of condemnation and destruction. (F. D. C. No. 1189. Sample No. 68615–D.)

This product was contained in collapsible metallic tubes which occupied approximately 15 percent of the capacity of the cartons.

On December 14, 1939, the United States attorney for the District of New Jersey filed a libel against 128 packages of Neo-Synephrin Hydrochloride Jelly at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 12 and October 13, 1939, by Frederick Stearns & Co. from New York, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading.

On February 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

113. Misbranding of First-Aid Bandages. U. S. v. 346 Cans of First-Aid Bandages. Default decree of condemnation. Product ordered delivered to public institution. (F. D. C. No. 1005. Sample No. 82507–D.)

The containers of this product were deceptive, since the contents occupied only approximately one-half of the available space in the package.

On or about November 18, 1939, the United States attorney for the Northern District of Georgia filed a libel against 346 cans of bandages at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about September 25, 1939, by Hampton Manufacturing Co. from Carlstadt, N. J.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: "Blue Grass First-Aid Bandage Waterproof with Mercurochrome H W & D."

On December 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

NONSTERILE SURGICAL DRESSINGS

114. Adulteration and misbranding of cotton swab applicators. U. S. v. 89½ Dozen Sanitary Cotton Swab Applicators (and 2 other seizure actions against the same product). Default decrees of condemnation. Destruction or other lawful disposition ordered. (F. D. C. Nos. 1269, 1270, 1271. Sample Nos. 76895–D, 76910–D, 76912–D.)

This product had been shipped in interstate commerce and was in an interstate status at the time of examination, at which time it was found to be contaminated with viable micro-organisms.

On December 29, 1939, the United States attorneys for the District of Columbia and the District of Maryland filed libels against 122½ dozen cotton swabs at Washington, D. C., and 56 dozen packages of the same product at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about October 27 to on or about December 14, 1939, by the Woltra Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that the purity and quality of the article fell below that which it purported or was represented to possess, since its labeling created the impression that it was sterile; whereas it was not sterile but was contaminated with viable micro-organisms.

It was alleged to be misbranded in that its labeling bore a design of a surgeon and a nurse, another of a physician using an applicator in the mouth of a boy, and a third of a nurse using it on the eye of an infant; and bore representations that it was a sanitary cotton swab applicator, was approved and recommended by doctors and nurses, and had been made from sterilized absorbent cotton and dipped in boric acid, which designs and representations were false and misleading since they created the impression that the article was sterile; whereas it was not.

On January 23 and 25, 1940, no claimant having appeared, judgments of condemnation were entered and destruction or other lawful disposition of the product was ordered.

115. Adulteration and misbranding of cotton swab applicators. U. S. v. 75 Cartons of Cotton Swab Applicators. Default decree of condemnation and destruction. (F. D. C. No. 1056. Sample No. 84357–D.)

This product had been shipped in interstate commerce and was in an interstate status when examined, at which time it was found to be contaminated with viable micro-organisms. It was labeled to indicate that it contained a substantial amount of boric acid but contained no more than a trace of boric acid.

On November 21, 1939, the United States attorney for the Eastern District of Missouri filed a libel against 75 cartons of cotton swab applicators at St. Louis, Mo., alleging that the article had been shipped on or about August 23, 1939, by the Woltra Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Sanitary Cotton Swab Applicators with Tongue Blade."

Adulteration was alleged in that the strength of the article differed from and its purity or quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that representations in the labeling that it was made from sterilized absorbent cotton and dipped in boric acid, and that it was approved and recommended by doctors and nurses were false and misleading as applied to an article which was not sterile but which was contaminated with viable micro-organisms and which contained an insignificant amount of boric acid.

On January 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

116. Adulteration and misbranding of Twin-Tips. U. S. v. 44⁷⁄₁₂ Dozen Packages of Twin-Tips. Default decree of condemnation and destruction. (F. D. C. No. 1268. Sample No. 76911–D.)

This product was in interstate commerce when examined, at which time it was found to be contaminated with viable micro-organisms.

On December 29, 1939, the United States attorney for the District of Columbia filed a libel against 44⁷⁄₁₂ dozen packages of Twin-Tips at Washington, D. C., alleging that the article was in possession of the Washington Wholesale Drug Exchange, Washington, D. C., and was being offered for sale in the District of Columbia; and charging that it was adulterated and misbranded. It was

labeled in part: "Twin-Tips Manufactured Solely for the Williams Company, 17 Water St., New York City."

Adulteration was alleged in that the purity and quality of the article fell below that which it purported or was represented to possess. It was alleged to be misbranded in that representations in the labeling that it was sanitary and had been manufactured from sterilized cotton under a process that assured the most sanitary swab obtainable were false and misleading as applied to the article, since it was not sterile but was contaminated with viable micro-organisms.

On January 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

117. Misbranding of first aid kits. U. S. v. 44 First Aid Kits. Default decree of condemnation and destruction. (F. D. C. No. 891. Sample No. 73029–D.)

This product had been shipped in interstate commerce and was in an interstate status at the time of examination, at which time the absorbent cotton in the kits was found to be contaminated with viable micro-organisms.

On November 8, 1939, the United States attorney for the Northern District of California filed a libel against 44 first aid kits at San Francisco, Calif., alleging that the article had been shipped on or about August 15, 1939, by the American White Cross Laboratories, Inc., from New Rochelle, N. Y.; and charging that it was misbranded. It was labeled in part: "All Purpose First Aid Kits."

Misbranding was alleged in that representations in the labeling that it had been sterilized after packaging, would afford protection, was an all purpose first aid kit, was a first aid for emergency treatment of minor injuries, such as small cuts and burns in order to prevent infection, together with designs of a sterilizer and of a nurse and surgeon also appearing in the labeling, were false and misleading when applied to absorbent cotton which was not sterile but was contaminated with viable micro-organisms.

On December 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

118. Adulteration and misbranding of first aid kits. U. S. v. 49 Packages and 99 Packages of First Aid Kits. Default decrees of condemnation and destruction. (F. D. C. Nos. 993, 1012. Sample Nos. 70693–D, 73033–D.)

This product had been shipped in interstate commerce and was in an interstate status when examined; at that time the gauze bandage in the Lone Ranger kits and the absorbent cotton in the Emergency kits were found to be contaminated with viable micro-organisms.

On or about November 17, 1939, the United States attorneys for the Northern District of California and the District of Wyoming filed libels against 99 packages of first aid kits at San Francisco, Calif., and 49 packages of first aid kits at Laramie, Wyo., alleging that the former had been shipped on or about August 7, 1936, and that the latter had been shipped on or about November 10, 1938, by the American White Cross Laboratories from New Rochelle, N. Y.; and charging that the article was misbranded. It was labeled in part: "White Cross Emergency First Aid Kit"; or "Official Lone Ranger First Aid Kits."

Both lots were alleged to be misbranded in that representations in the labeling of the Emergency kits that they had been sterilized and would afford protection, and those in the labeling of the Lone Ranger kits that they had been sterilized after packaging, would afford protection and had been scientifically prepared under the most sanitary conditions, were false and misleading as applied to an article which contained gauze bandages or absorbent cotton which was contaminated with viable micro-organisms.

The Lone Ranger kits were alleged to be adulterated in that their quality fell below that which they were purported and were labeled as possessing, namely, "Sterilized."

On December 21, 1939, no claim having been entered for the goods seized at San Francisco, Calif., judgment of condemnation and destruction was entered. On the same date the American White Cross Laboratories, Inc. having appeared as claimant for the goods seized at Laramie, Wyo., and having consented to the entry of a decree, judgment of condemnation was entered; the decree, however, contained a provision for release of the goods under bond conditioned that it be disposed of according to law. On February 2, 1940, the claimant having failed to comply with the terms of the decree, the goods were ordered destroyed.

119. Misbranding of absorbent cotton and adulteration and misbranding of surgical gauze. U. S. v. 24 Packages of Absorbent Cotton, 96 Packages and 23 Packages of Surgical Gauze. Default decree of condemnation and destruction. (F. D. C. Nos. 1024, 1025. Sample Nos. 73030–D, 73031–D, 73032–D.)

These products had been shipped in interstate commerce and were in interstate commerce when examined, and at that time they were found to be contaminated with viable micro-organisms.

On November 21, 1939, the United States attorney for the Northern District of California filed a libel against 24 packages of absorbent cotton and 119 packages of surgical gauze at San Francisco, Calif., alleging that the articles had been shipped on or about January 20 and September 18, 1937, by American White Cross Laboratories, Inc., from New Rochelle, N. Y.; and charging misbranding of the absorbent cotton, and adulteration and misbranding of the surgical gauze. The articles were labeled in part: "Sterilized White Cross Absorbent Cotton [or "Surgical Gauze"]."

Both products were alleged to be misbranded in that the statements, "Sterilized" and "The White Cross of Perfection is your Protection," appearing on the cartons, were false and misleading when applied to articles that were not sterile but were contaminated with viable micro-organisms.

The surgical gauze was also alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess.

On December 22, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

120. Adulteration and misbranding of Pro-Tex Adhesive Bandage. U. S. v. 36 Dozen Packages of Pro-Tex Adhesive Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 1288. Sample No. 83361–D.)

This product had been shipped in interstate commerce and was in an interstate status when examined, and at that time it was found to be contaminated with viable micro-organisms.

On January 6, 1940, the United States attorney for the District of Idaho filed a libel against 36 dozen packages of Pro-Tex Adhesive Gauze Bandage at Wallace, Idaho, alleging that the article had been shipped on or about November 22, 1937, by the Pro-Tex Laboratories from Yelm, Wash.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that its purity or quality fell below that which it purported or was represented to possess since its labeling indicated that it was sterile, whereas it was not sterile.

It was alleged to be misbranded in that representations in the labeling that it would afford protection, was safe, sanitary, was unconditionally guaranteed; that it should be applied directly over the wound "if no sterile gauze is available"; that it was made by processing pure sterilized gauze; that it had been sterilized in the process of manufacture; that it would permit air to circulate about the wound, thus permitting nature to aid in the healing process; that it was used extensively by hospitals and every branch of the medical profession, including physicians and surgeons and veterinarians; that it was effective for home use and would protect cuts and abrasions; that it was guaranteed for 1 year from the date of purchase, together with a picture of a foot with a bandage illustrating how it might be used for protecting heel blisters, were false and misleading when applied to an article which was not sterile but was contaminated with viable micro-organisms.

On January 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

121. Adulteration and misbranding of selvage gauze. U. S. v. 8 Packages of Curity Selvage Gauze. Default decree of condemnation and destruction. (F. D. C. No. 749. Sample No. 73825–D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination; at that time it was found to be contaminated with viable micro-organisms.

On October 17, 1939, the United States attorney for the District of Massachusetts filed a libel against eight packages of Curity Selvage Gauze at Walpole, Mass., alleging that the article had been shipped in interstate commerce on or about August 4, 1939, by Lewis Manufacturing Co. from Chicago, Ill.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that its purity or quality fell below that which it purported or was represented to possess, namely, "Sterilized," since it was not sterile but was contaminated wtih viable micro-organisms.

It was alleged to be misbranded in that the labeling bore the statement that it had been sterilized after packaging, which statement was false and misleading as applied to an article that was not sterile.

On December 18, 1939, claim and answer having been withdrawn by the intervenor, judgment of condemnation was entered and the product was ordered destroyed.

122. Adulteration and misbranding of surgical dressings. U. S. v. 12 Dozen Cartons of Gauze Bandages and 70 Packages of Surgical Gauze. Decrees of condemnation and destruction. (F. D. C. Nos. 549, 755. Sample Nos. 30800–D, 57961–D.)

This product had been shipped in interstate commerce and was in an interstate status when examined; at that time it was found to be contaminated with viable micro-organisms.

On September 6 and October 17, 1939, the United States attorneys for the District of Colorado and the Southern District of California filed libels against 12 dozen cartons of gauze bandages at Denver, Colo., and 70 packages of surgical gauze at Los Angeles, Calif., consigned by the American White Cross Laboratories, alleging that the article had been shipped on or about March 9 and May 1, 1939, from New Rochelle, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Hospital Bandage" or "Sterilized White Cross Surgical Gauze."

It was alleged in the libel that the article was adulterated in that its purity and quality fell below that which it purported or was represented to possess.

The hospital bandage was alleged to be misbranded in that its labeling bore representations that it had been sterilized after packaging, that it was a suitable hospital bandage, that it had been prepared under the most sanitary and scientific conditions, and that absolute satisfaction was guaranteed; and the design of a surgeon and a nurse, which representations and design were false and misleading when applied to an article that was not sterile and therefore was not suitable for hospital use or use by surgeons and nurses, and which had not been prepared under the most scientific conditions. The surgical gauze was alleged to be misbranded in that its labeling bore the representation that it was surgical gauze, which representation was false and misleading when applied to an article that was not sterile and was not suitable for use in clinics.

On September 19 and November 9, 1939, no claim having been entered for the product, judgments of condemnation were entered and it was ordered destroyed.

123. Misbranding of Nelson's First Aid Treated Strips. U. S. v. 35¼ Gross of Nelson's First Aid Treated Strips. Default decree of condemnation and destruction. (F. D. C. No. 1146. Sample No. 68576–D.)

This product had been shipped in interstate commerce and was in an interstate status when examined; and at that time it was found to be contaminated with viable micro-organisms. It was labeled to indicate that it contained an appreciable amount of boric acid, but it contained only a trace of boric acid.

On December 7, 1939, the United States attorney for the Southern District of New York filed a libel against 35¼ gross packages of the above-named product at New York, N. Y., alleging that the article had been shipped on or about October 10 and 27, 1939, by the Gero Products, Inc., from South Boston, Mass.; and charging that it was misbranded.

It was alleged to be misbranded in that representations in the labeling that it should be applied to the wound as a first aid for minor cuts, wounds, and abrasions and that it was borated, were false and misleading when applied to an article which was not sterile and which contained an insignificant amount of boric acid.

On February 1, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

124. Misbranding of gauze bandage. U. S. v. 30 Cartons of Gauze Bandage. Default decree of condemnation and destruction. (F. D. C. No. 1163. Sample No. 82598–D.)

This product had been shipped in interstate commerce and was in interstate commerce when examined; at that time it was found to be contaminated with viable micro-organisms.

On December 9, 1939, the United States attorney for the Western District of North Carolina filed a libel against 30 cartons of gauze bandage at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about

September 27, 1939, by the Supreme First Aid Co., Inc., from New York, N. Y.; and charging that it was misbranded.

It was alleged to be misbranded in that representations in the labeling that it be used as a first aid dressing for household, office, and factory use, and that it be kept constantly on hand for emergencies, were false and misleading when applied to an article which was not sterile but was contaminated with viable micro-organisms and therefore was not suitable as a first aid dressing for emergencies.

On January 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

125. Misbranding of gauze bandage. U. S. v. 1 Gross Packages of Gauze Bandages. Default decree of condemnation and destruction. (F. D. C. No. 274. Sample No. 51887–D.)

This product had been shipped in interstate commerce. At the time of examination and while in interstate commerce, it was found to be contaminated with viable micro-organisms.

On July 7, 1939, the United States attorney for the Middle District of Pennsylvania filed a libel (amended July 13, 1939) against 1 gross packages of gauze bandage at Wilkes-Barre, Pa., alleging that the article had been shipped on or about May 9, 1938, by the Mills Sales Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Physicians and Surgeons Gauze Bandage First Aid Products Corp."

It was alleged to be misbranded in that representations in the labeling that it was appropriate for use by physicians and surgeons and was appropriate for use as a first aid, were false and misleading when applied to an article that was not sterile.

On August 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

126. Adulteration and misbranding of sutures. U. S. v. 4 Boxes and 5 Packages of Plain Pyoktanin Catgut. Default decrees of condemnation and destruction. (F. D. C. Nos. 525, 1021. Sample Nos. 55052–D, 55053–D, 55992–D.)

This product had been shipped in interstate commerce and was in an interstate status when examined; at that time it was found to be contaminated with viable micro-organisms.

On September 8 and November 18, 1939, the United States attorneys for the Northern District of Illinois and the Eastern District of Wisconsin filed libels against four boxes of plain pyoktanin catgut at Chicago, Ill., and 5 packages of the same product at Milwaukee, Wis., alleging that the article had been shipped on or about March 15, 1937, and November 10 and December 14, 1938, by the Laboratory of the Ramsey County Medical Society from St. Paul, Minn.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that the purity of the article fell below that which it purported or was represented to possess in that its labeling conveyed the impression that it was sterile; whereas it was not sterile, but was contaminated.

It was alleged to be misbranded in that the labeling bore representations that it was plain pyoktanin catgut and contained directions that the envelopes be torn and the contents dropped into a sterile solution and soaked before application to make it pliable to prevent breaking at the knot, which were false and misleading since they created the impression that the article was sterile catgut suitable for surgical use; whereas it was not sterile catgut suitable for surgical use.

On November 8, 1939, and January 29, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

PROPHYLACTICS

Nos. 127 to 140 of this publication report the seizure and disposition of prophylactics samples of which were found to be defective because of the presence of holes.

127. Adulteration and misbranding of prophylactics. U. S. v. 87 Gross and 33 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1014, 1029. Sample Nos. 75446–D, 84149–D.)

On November 18 and 21, 1939, the United States attorneys for the Western District of Tennessee and the Northern District of Ohio filed libels against 87 gross of prophylactics at Memphis, Tenn., and 33 gross of prophylactics at Akron, Ohio, alleging that the article had been shipped in interstate commerce on or

about September 27 and October 19, 1939, by Gotham Sales Co. from New York, N. Y.; and charging that it was adulterated and that one lot was also misbranded. The article was labeled in part: "Tally-Ho" or "Saf-T-Way."

The article in both lots was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The Saf-T-Way brand was alleged to be misbranded in that its labeling conveyed the false and misleading impression that it was a safe prophylactic.

On December 12 and 20, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

128. Adulteration and misbranding of prophylactics. U. S. v. 108 Gross, 169 Gross, and 13 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1045, 1046, 1227. Sample Nos. 62614–D, 63372–D, 63373–D, 63374–D.)

On November 21 and December 21, 1939, the United States attorneys for the Western District of Tennessee and the Southern District of Texas filed libels against 277 gross of prophylactics at Memphis, Tenn., and 13 gross of prophylactics at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about October 25, 26, and 31, 1939, by Universal Merchandise Co. from New York, N. Y., and New Orleans, La.; and charging that it was adulterated and that one lot was also misbranded. It was labeled in part: "Tally-Ho" or "Clinic."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The Clinic brand was also alleged to be misbranded in that representations in the labeling that it was dependable, would prevent disease and was guaranteed for 5 years were false and misleading.

On December 19, 1939, and January 23, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

129. Adulteration and misbranding of prophylactics. U. S. v. 107 5/12 Gross of Prophylactics (and 10 other seizure actions against prophylactics). Default decrees of condemnation and destruction. (F. D. C. Nos. 877, 908, 909, 1030, 1111, 1112, 1113, 1121, 1206, 1238, 1240. Sample Nos. 46842–D, 61485–D, 61487–D, 61491–D, 61492–D, 75447–D, 75448–D, 79614–D, 79615–D, 79629–D, 79630–D, 79704–D, 79705–D, 79706–D, 82508–D, 84354–D, 84355–D, 85677–D.)

Within the period from on or about November 6 to December 28, 1939, the United States attorneys for the Northern District of Georgia, Eastern District of Missouri, Northern District of Ohio, Eastern District of Michigan, Northern District of Illinois, Eastern District of Louisiana, and Middle District of Pennsylvania filed libels against 107–5/12 gross of prophylactics at Atlanta, Ga., 38 gross at St. Louis, Mo., 119 gross at Akron, Ohio, 59 gross at Detroit, Mich., 458 gross at Chicago, Ill., 151–9/12 gross at New Orleans, La., and 39 gross of prophylactics at Scranton, Pa., alleging that the article had been shipped in interstate commerce within the period from on about September 13 to on or about December 2, 1939, by Tecla Chemical Co. (or Tecla Chemical Corporation) in various shipments from New York, N. Y., and Newark, East Newark, and Harrison, N. J.; and charging that it was adulterated and that portions were also misbranded. The article was labeled in part variously: "Tally-Ho"; or "Saf-T-Way"; "Saf-T-Skin"; "Latex"; "A product of Liquid Latex"; "Crescent"; "Liquitex"; "Rx 95"; "R 97."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Portions of the article were alleged to be misbranded in that the labeling of the said portions collectively bore representations that it was a dependable, reliable. and safe prophylactic, that it would prevent disease, was guaranteed for 5 years, was of excellent quality, and was air-blown tested, which representations were false and misleading.

On November 29, December 12, 13, and 20, 1939, January 5, 8, and 18, and February 7 and 8, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

130. Misbranding of prophylactics. U. S. v. 71 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1342. Sample Nos. 70133–D, 70135–D.)

On January 11, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 71 gross of prophylactics at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 13, 1939, by Killashun Sales Division from Akron, Ohio; and charging

that it was adulterated and misbranded. It was labeled in part: "Apris" or "Silver-Tex."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that representations in the labeling that it was a prophylactic and disease preventative were false and misleading.

On February 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

131. Adulteration and misbranding of prophylactics. U. S. v. 69 Gross and 11 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1247. Sample Nos. 62617–D, 62618–D, 62619–D.)

On December 27, 1939, the United States attorney for the Southern District of Texas filed a libel against 80 gross of prophylactics at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about November 29 and December 7, 1939, by the Akron Drug & Sundries Co. from Akron, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: "Derbies" or "Apris."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that representations in the labeling of the Apris brand that it was a prophylactic; and those in the labeling of the Derbies brand that it was effective for prevention of disease, that its quality was guaranteed and that it consisted of a carefully selected prophylactic, and was guaranteed against deterioration for 2 years, were false and misleading.

On January 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

132. Adulteration and misbranding of prophylactics. U. S. v. 154 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1333. Sample No. 70142–D.)

On January 10, 1940, the United States attorney for the Eastern District of Philadelphia filed a libel against 154 gross of prophylactics at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 21, 1939, by the Ace Sales Co. from Baltimore, Md.; and charging that it was adulterated and misbranded. It was labeled in part "Shur-Tex."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that the representation in the labeling that it was a prophylactic was false and misleading.

On February 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

133. Adulteration and misbranding of prophylactics. U. S. v. 58 Gross and 22 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1249, 1296. Sample Nos. 61285–D, 62620–D.)

On December 27, 1939, and January 4, 1940, the United States attorney for the Southern District of Texas filed libels against 80 gross of prophylactics at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about September 11 and September 21, 1939, by the International Distributors Co. from Memphis, Tenn.; and charging that it was adulterated and misbranded. It was labeled in part "Apris."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that the representation on the labeling that it was a prophylactic was false and misleading.

On January 31 and February 8, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

134. Adulteration and misbranding of prophylactics. U. S. v. 38 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1225. Sample No. 85678–D.)

On December 20, 1939, the United States attorney for the Middle District of Pennsylvania filed a libel against 38 gross of prophylactics at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about September 22, 1939, by the Goodwear Rubber Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part "Stags."

Adulteration was alleged in that the quality of the article fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that representations in the labeling that it had been air-tested and was effective for the prevention of disease, were false and misleading.

On February 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

135. Adulteration and misbranding of prophylactics. U. S. v. 24 Gross, 13 Gross, 17¼ Gross, and 19 Gross of Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 1052, 1067, 1069, 1239. Sample Nos. 62616-D, 62873-D, 62874-D, 66088-D.)

On or about November 22, December 1, 13, and 27, 1939, the United States attorneys for the Southern District of Texas and the Southern District of Florida filed libels against 56 gross of prophylactics at Houston, Tex., and 17¼ gross of prophylactics at Miami, Fla., alleging that the article had been shipped in interstate commerce within the period from on or about July 16 to on or about November 9, 1939, by Dean Rubber Manufacturing Co. from Kansas City or North Kansas City, Mo.; and charging that it was adulterated and misbranded. The article was labeled in part: "Sekurity" or "Genuine Peacocks."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that the representations appearing in the labeling of the Sekurity brand that it would afford security, would aid in preventing venereal disease, was air-blown-tested, and was guaranteed 2 years against deterioration; and those appearing in the labeling of the Peacock brand that it would afford protection, was guaranteed against deterioration for 5 years, was air-blown-tested, was the best that money could buy, that all defects were discarded and selects only were packed under the brand, that all seconds were destroyed, and that it was of exceptional quality were false and misleading.

On December 28, 1939, and January 31 and February 9, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

136. Adulteration and misbranding of prophylactics. U. S. v. 6 Gross, 7 Gross, and 59 Dozen Prophylactics. Default decrees of condemnation and destruction. (F. D. C. Nos. 614, 615, 648, 649, 658, 659. Sample Nos. 51943-D, 51944-D, 51953-D to 51956-D, incl.)

On September 19, 28, and 29, 1939, the United States attorney for the Eastern District of Pennsylvania filed libels against 17$^{11}/_{12}$ gross of prophylactics at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about August 11 to on or about September 8, 1939, by Lorica Laboratories, Inc., from Jersey City, N. J.; and charging adulteration and misbranding. The article was labeled in part: "Lorica Transparent [or "Velveen"] Shorts * * * For Prevention of Disease."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

Misbranding was alleged in that representations in the labeling that it would be effective for the prevention of disease were false and misleading. It was alleged to be misbranded further in that it was dangerous to health when used as directed in the labeling.

On December 15, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

137. Adulteration and misbranding of prophylactics. U. S. v. 15¼ Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1188. Sample No. 73891-D.)

On December 14, 1939, the United States attorney for the District of Massachusetts filed a libel against 15¼ gross of prophylactics at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 1, 1939, by the Everett Rubber Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Les Genuine Liquid Latex."

It was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess.

The article was alleged to be misbranded in that representations in the labeling that it would be efficacious for the prevention of disease and was guaranteed for 5 years were false and misleading.

On January 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

138. Adulteration and misbranding of prophylactics. U. S. v. 47 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1251. Sample No. 87279–D.)

On or about January 2, 1940, the United States attorney for the Eastern District of South Carolina filed a libel against 47 gross of prophylactics at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about November 10, 1939, by Ross Products from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Genuine Latex Shield Prophylactics."

The article was alleged to be adulterated in that its quality fell below that which it was purported or was represented to possess.

It was alleged to be misbranded in that representations in the labeling that it was a prophylactic, was air-tested, and was effective for the prevention of disease, were false and misleading.

On January 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

139. Adulteration of prophylactics. U. S. v. 94 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1166. Sample No. 62610–D.)

On December 8, 1939, the United States attorney for the Southern District of Texas filed a libel against 94 dozen prophylactics at Houston, Tex. On December 15, 1939, the libel was amended to cover 94 gross. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about February 28, 1939, by Standard Latex Products Corporation from New York, N. Y.; and that it was adulterated in that its quality fell below that which it purported or was represented to possess. It was labeled in part: "Silver Bond."

On January 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

140. Misbranding of prophylactics. U. S. v. 18 7/12 Gross of Prophylactics. Default decree of condemnation and destruction. (F. D. C. No. 1004. Sample No. 68146–D.)

On November 22, 1939, the United States attorney for the Southern District of New York filed a libel against 18 7/12 gross of prophylactics at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 15, 1939, by W. H. Reed & Co. from Atlanta, Ga.; and charging that the article was misbranded. The article was labeled in part: "Three Star Brand * * * Genuine Goldbeaters."

The article was alleged to be misbranded in that the representations in the labeling that it was double-selected, was made from a choice grade of materials, that it represented high quality, and was effective for the prevention of disease were false and misleading.

On December 12, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

INDEX TO NOTICES OF JUDGMENT D. D. NOS. 76–140

PRODUCTS

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

[1] Contains an opinion of the court.
[2] *See also* F. N. J. No. 153.

U. S. GOVERNMENT PRINTING OFFICE: 1940